Section 1. Minnesota Statutes 2022, section 16A.151, subdivision 2, is amended to read:

Subd. 2. Exceptions. (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

(d) State agencies may accept funds as directed by a federal court for any restitution or monetary penalty under United States Code, title 18, section 3663(a)(3), or United States Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue account and are appropriated to the commissioner of the agency for the purpose as directed by the federal court.

(e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph (t), may be deposited as provided in section 16A.98, subdivision 12.

(f) Any money received by the state resulting from a settlement agreement or an assurance of discontinuance entered into by the attorney general of the state, or a court order in litigation brought by the attorney general of the state, on behalf of the state or a state agency, related to alleged violations of consumer fraud laws in the marketing, sale, or distribution of opioids in this state or other alleged illegal actions that contributed to the excessive use of opioids, must be deposited in the settlement account established in the opiate epidemic response fund under section 256.043, subdivision 1. This paragraph does not apply to attorney fees and costs awarded to the state or the Attorney General’s Office, to contract attorneys hired by the state or Attorney General’s Office, or to other state agency attorneys.

(g) Notwithstanding paragraph (f), if money is received from a settlement agreement or an assurance of discontinuance entered into by the attorney general of the state or a court order in litigation brought by the attorney general of the state on behalf of the state or a state agency against a consulting firm working for an opioid manufacturer or opioid wholesale drug distributor, the commissioner shall deposit any money received into the settlement account established within the opiate epidemic response fund under section 256.042, subdivision 1. Notwithstanding section 256.043, subdivision 3a, paragraph (a), any amount
deposited into the settlement account in accordance with this paragraph shall be appropriated
to the commissioner of human services to award as grants as specified by the opiate epidemic
response advisory council in accordance with section 256.043, subdivision 3a, paragraph
d.

(b) If the Minnesota Pollution Control Agency, through litigation or settlement of a
matter that could have resulted in litigation, recovers $250,000 or more in a civil penalty
from violations of a permit issued by the agency, then 40 percent of the money recovered
must be distributed to the community health board, as defined in section 145A.02, where
the permitted facility is located. Within 30 days of a final court order in the litigation or the
effective date of the settlement agreement, the commissioner of the Minnesota Pollution
Control Agency must notify the applicable community health board that the litigation has
concluded or a settlement has been reached. The commissioner must collect the money and
transfer it to the applicable community health board. The community health board must
meet directly with the residents potentially affected by the pollution that was the subject of
the litigation or settlement to identify the residents' concerns and incorporate those concerns
into a project that benefits the residents. The project must be implemented by the community
health board and funded as directed in this paragraph. The community health board may
recover the reasonable costs it incurs to administer this paragraph from the funds transferred
to the board under this paragraph. This paragraph directs the transfer and use of money only
and does not create a right of intervention in the litigation or settlement of the enforcement
action for any person or entity. A supplemental environmental project funded as part of a
settlement agreement is not part of a civil penalty and must not be included in calculating
the amount of funds required to be distributed to a community health board under this
paragraph. For the purposes of this paragraph, "supplemental environmental project means
a project that benefits the environment or public health that a regulated facility agrees to
undertake, though not legally required to do so, as part of a settlement with respect to an
enforcement action taken by the Minnesota Pollution Control Agency to resolve
noncompliance.

EFFECTIVE DATE. This section is effective the day following final enactment and
applies to all litigation actions or settlements from which the Minnesota Pollution Control
Agency recovers $250,000 or more on or after that date.

Sec. 2. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
read:

Subd. 8a. Microplastics. "Microplastics" means particles of plastic less than 500
micrometers in size.

Sec. 3. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
read:

Subd. 8b. Nanoplastics. "Nanoplastics" means plastic particles less than or equal to 100
nanometers in size.
Sec. 50. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to read:

Subd. 10a. Plastic. "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal. Plastic does not mean natural polymers that have not been chemically modified.

Sec. 51. Minnesota Statutes 2022, section 115.03, subdivision 1, is amended to read:

Subd. 1. Generally. (a) The commissioner is given and charged with the following powers and duties:

(1) to administer and enforce all laws relating to the pollution of any of the waters of the state;

(2) to investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

(3) to establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of this chapter and, with respect to the pollution of waters of the state, chapter 116;

(4) to encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;

(5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, rules, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities:

(6) requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this chapter;

(7) prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished.
practicable, a standard permitting no discharge of pollutants. New sources shall encompass
the premises where such equipment will be used, including preparation work at such
or equipment and facilities, or the
reconstruction, alteration, or enlargement of its existing disposal system or any part thereof;
or the adoption of other remedial measures to prevent, control or abate any discharge or
deposit of sewage, industrial waste or other wastes by any person;

(vi) establishing and from time to time revising, standards of performance for new
sources taking into consideration, among other things, classes, types, sizes, and categories
of sources, processes, pollution control technology, cost of achieving such effluent reduction,
and any nonwater quality environmental impacts. Said standards of
performance for new sources shall encompass those standards for the control of the
discharge of pollutants which reflect the greatest degree of effluent reduction which the
agency determines to be achievable through application of the best available demonstrated
control technology, processes, operating methods, or other alternatives, including, where
practicable, a standard permitting no discharge of pollutants. New sources shall encompass
buildings, structures, facilities, or installations from which there is or may be the discharge
discharge of pollutants, the construction of which is commenced after the publication by the agency
of proposed rules prescribing a standard of performance which will be applicable to such
source. Notwithstanding any other provision of the law of this state, any point source the
construction of which is commenced after May 20, 1973, and which is so constructed as to
meet all applicable standards of performance for new sources shall, consistent with and
subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water
Pollution Control Act, not be subject to any more stringent standard of performance for new
sources during a ten-year period beginning on the date of completion of such construction
or during the period of depreciation or amortization of such facility for the purposes of
section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period
ends first. Construction shall encompass any placement, assembly, or installation of facilities
or equipment, including contractual obligations to purchase such facilities or equipment, at
the premises where such equipment will be used, including preparation work at such
premises;

(vi) establishing and revising pretreatment standards to prevent or abate the discharge
of any pollutant into any publicly owned disposal system, which pollutant interferes with,
passes through, or otherwise is incompatible with such disposal system;

(vii) requiring the owner or operator of any disposal system or any point source to
establish and maintain such records, make such reports, install, use, and maintain such
monitoring equipment or methods, including where appropriate biological monitoring
methods, sample such effluents in accordance with such methods, at such locations, at such
intervals, and in such a manner as the agency shall prescribe, and providing such other
information as the agency may reasonably require;

(iii) prohibiting the storage of any liquid or solid substance or other pollutant in a
manner which does not reasonably assure proper retention against entry into any waters of
the state that would be likely to pollute any waters of the state;

(iv) requiring the construction, installation, maintenance, and operation by any person
of any disposal system or any part thereof, or other equipment and facilities, or the
reconstruction, alteration, or enlargement of its existing disposal system or any part thereof;
or the adoption of other remedial measures to prevent, control or abate any discharge or
deposit of sewage, industrial waste or other wastes by any person;

(v) establishing, and from time to time revising, standards of performance for new
sources taking into consideration, among other things, classes, types, sizes, and categories
of sources, processes, pollution control technology, cost of achieving such effluent reduction,
and any nonwater quality environmental impacts. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed rules prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after May 20, 1973, and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(vi) establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system;

(vii) requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require;
126.12 (viii) notwithstanding any other provision of this chapter, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision 13, clause (h), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitations or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person;

126.32 (x) modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants; and

126.33 requiring that applicants for wastewater discharge permits evaluate in their applications the potential reuses of the discharged wastewater;

126.34 to require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;

126.35 to prescribe and alter rules, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state;

126.36 to conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable for the discharge of its duties under this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member,
The information required in paragraph (a), clause (m) (14), must be submitted in every odd-numbered year to the commissioner on a form provided by the commissioner. The commissioner shall provide technical assistance if requested by the governmental subdivision.
(c) The powers and duties given the agency in this subdivision also apply to permits issued under chapter 114C.

Sec. 6. Minnesota Statutes 2022, section 115.03, is amended by adding a subdivision to read:

Subd. 12. Biofuel plants. A national pollutant discharge elimination system or state disposal system permit issued by the agency to an ethanol plant, as defined in section 41A.09, subdivision 2a; a biodiesel plant; or an advanced biofuel plant must, as a condition of the permit, require the monitoring of wastewater for the presence of neonicotinoid pesticides and perfluoroalkyl or polyfluoroalkyl substances. The permittee's monitoring system must be capable of providing a permanent record of monitoring results which the permittee must make available upon request of the commissioner or any person. The commissioner must periodically inspect a permittee's monitoring system to verify accuracy.

115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.

(a) Except as provided in paragraph (b), it is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.

(b) Notification is not required under paragraph (a) for a discharge of five gallons or less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not affect the other requirements of paragraph (a).

(c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly owned treatment works or a publicly or privately owned domestic sewer system owner must provide notice to the potentially impacted public and to any downstream drinking water facility that may be impacted by the discharge. Notice to the public and to any drinking water facility must be made using the most efficient communications system available to the facility owner such as in person, telephone call, radio, social media, web page, or another expedited form. In addition, signage must be posted at all impacted public use areas within the same jurisdiction or notification must be provided to the entity that has jurisdiction over any impacted public use areas. A notice under this paragraph must include the date and time of the discharge, a description of the material released, a warning of the potential public health risk, and the permittee's contact information.

(d) The agency must provide guidance that includes but is not limited to methods and protocols for providing timely notice under this section.
Sec. 8. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision to read:

Subd. 37a. Waste treated seed. "Waste treated seed" means seed that is treated, as defined in section 21.81, subdivision 28, and that is withdrawn from sale or that the end user considers unusable or otherwise a waste.

Sec. 52. Minnesota Statutes 2022, section 115A.1415, is amended to read:

115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM; STEWARDSHIP PLAN.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

(1) "architectural paint" means interior and exterior architectural coatings sold in containers of five gallons or less. Architectural paint does not include industrial coatings, original equipment coatings, or specialty coatings;

(2) "brand" means a name, symbol, word, or mark that identifies architectural paint, rather than its components, and attributes the paint to the owner or licensee of the brand as the producer;

(3) "discarded paint" means architectural paint that is no longer used for its manufactured purpose;

(4) "producer" means a person that:

(i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold in the state;

(ii) imports architectural paint branded by a producer that meets item (i) when the producer has no physical presence in the United States;

(iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in the state; or

(iv) sells architectural paint at wholesale or retail, does not have legal ownership of the brand, and elects to fulfill the responsibilities of the producer for the architectural paint by certifying that election in writing to the commissioner;

(5) "recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use;

(6) "retailer" means any person who offers architectural paint for sale at retail in the state;

115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM; STEWARDSHIP PLAN.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

(1) "architectural paint" means interior and exterior architectural coatings sold in containers of five gallons or less. Architectural paint does not include industrial coatings, original equipment coatings, or specialty coatings;

(2) "brand" means a name, symbol, word, or mark that identifies architectural paint, rather than its components, and attributes the paint to the owner or licensee of the brand as the producer;

(3) "discarded paint" means architectural paint that is no longer used for its manufactured purpose;

(4) "producer" means a person that:

(i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold in the state;

(ii) imports architectural paint branded by a producer that meets item (i) when the producer has no physical presence in the United States;

(iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in the state; or

(iv) sells architectural paint at wholesale or retail, does not have legal ownership of the brand, and elects to fulfill the responsibilities of the producer for the architectural paint by certifying that election in writing to the commissioner;

(5) "recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use;

(6) "retailer" means any person who offers architectural paint for sale at retail in the state;
(7) "reuse" means donating or selling collected architectural paint back into the market for its original intended use, when the architectural paint retains its original purpose and performance characteristics;

(8) "sale" or "sell" means transfer of title of architectural paint for consideration, including a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.

Sale or sell includes a lease through which architectural paint is provided to a consumer by a producer, wholesaler, or retailer;

(9) "stewardship assessment" means the amount added to the purchase price of architectural paint sold in the state that is necessary to cover the cost of collecting, transporting, and processing postconsumer architectural paint by the producer or stewardship organization pursuant to a product stewardship program to implement a product stewardship program according to an approved stewardship plan.

(10) "stewardship organization" means an organization appointed by one or more producers to act as an agent on behalf of the producer to design, submit, and administer a product stewardship program under this section; and

(11) "stewardship plan" means a detailed plan describing the manner in which a product stewardship program under subdivision 2 will be implemented.

Subd. 2. Product stewardship program. For architectural paint sold in the state, producers must, individually or through a stewardship organization, implement and finance a statewide product stewardship program that manages the architectural paint by reducing the paint's waste generation, promoting its reuse and recycling, and providing for negotiation and execution of agreements to collect, transport, and process the architectural paint for end-of-life recycling and reuse.

Subd. 3. Participation required to sell. (a) On and after July 1, 2014, or three months after program plan approval, whichever is sooner, no producer, wholesaler, or retailer may sell or offer for sale in the state architectural paint unless the paint's producer participates in an approved stewardship plan, either individually or through a stewardship organization.

(b) Each producer must operate a product stewardship program approved by the commissioner or enter into an agreement with a stewardship organization to operate, on the producer's behalf, a product stewardship program approved by the commissioner.

Subd. 4. Stewardship plan required. (a) On or before March 1, 2014, and before offering architectural paint for sale in the state, a producer must submit a stewardship plan to the commissioner that demonstrates the producer has entered into an agreement with a stewardship organization to be an active participant in an approved product stewardship program as described in subdivision 2. A stewardship plan must include all elements required under subdivision 5.

(7) "reuse" means donating or selling collected architectural paint back into the market for its original intended use, when the architectural paint retains its original purpose and performance characteristics;

(8) "sale" or "sell" means transfer of title of architectural paint for consideration, including a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.

Sale or sell includes a lease through which architectural paint is provided to a consumer by a producer, wholesaler, or retailer;

(9) "stewardship assessment" means the amount added to the purchase price of architectural paint sold in the state that is necessary to cover the cost of collecting, transporting, and processing postconsumer architectural paint by the producer or stewardship organization pursuant to a product stewardship program to implement a product stewardship program according to an approved stewardship plan.

(10) "stewardship organization" means an organization appointed by one or more producers to act as an agent on behalf of the producer to design, submit, and administer a product stewardship program under this section; and

(11) "stewardship plan" means a detailed plan describing the manner in which a product stewardship program under subdivision 2 will be implemented.
The proposed stewardship assessment shall be reviewed by an independent auditor to ensure it is the responsibility of The entities responsible for each stewardship plan to notify the agency commissioner within 30 days of any significant proposed changes or modifications to the plan or its implementation. Within 30 days of the notification, a written proposed plan revision amendment must be submitted to the agency commissioner for review and approval or rejection.

Subd. 5. Plan content. A stewardship plan must contain:

1. Certification that the product stewardship program will accept all discarded paint regardless of which producer produced the architectural paint and its individual components; and securely transported, tracked, and handled from collection through final recycling and processing;

2. Contact information for the individual and the entity submitting the stewardship plan, a list of all producers participating in the product stewardship program, and the brands covered by the product stewardship program;

3. A description of the methods by which the discarded paint will be collected in all areas in the state without relying on end-of-life fees, including an explanation of how the collection system will be convenient and adequate to serve the needs of small businesses and residents in both urban and rural areas on an ongoing basis and a discussion of how the existing household hazardous waste infrastructure will be considered when selecting collection sites;

4. A description of how the adequacy of the collection program will be monitored and maintained;

5. The names and locations of collectors, transporters, and recyclers that will manage discarded paint;

6. A description of how the discarded paint and the paint's components will be safely and securely transported, tracked, and handled from collection through final recycling and processing;

7. A description of the method that will be used to reuse, deconstruct, or recycle the discarded paint to ensure that the paint's components, to the extent feasible, are transformed or remanufactured into finished products for use;

8. A description of the promotion and outreach activities that will be used to encourage participation in the collection and recycling programs and how the activities' effectiveness will be evaluated and the program modified, if necessary;

9. The proposed stewardship assessment. The producer or stewardship organization shall propose a uniform stewardship assessment for any architectural paint sold in the state. The proposed stewardship assessment shall be reviewed by an independent auditor to ensure that the assessment does not exceed the costs of the product stewardship program and the proposed stewardship assessment.
An independent auditor shall recommend an amount for the stewardship assessment. The agency must approve the stewardship assessment established according to subdivision 5a.

Subd. 5a. Stewardship assessment. The producer or stewardship organization must propose a uniform stewardship assessment for any architectural paint sold in the state that covers but does not exceed the costs of developing the stewardship plan, operating and administering the program in accordance with the stewardship plan and the requirements of this section, and maintaining a financial reserve. A stewardship organization or producer must not maintain a financial reserve in excess of 75 percent of the organization's annual operating expenses. The producer or stewardship organization must retain an independent auditor to review the proposed stewardship assessment to ensure that the assessment meets the requirements of this section. The independent auditor must recommend an amount for the stewardship assessment. If the financial reserve exceeds 75 percent of the producer or stewardship organization's annual operating expenses, the producer or stewardship organization must submit a proposed plan amendment according to subdivision 4, paragraph (c), to comply with this subdivision. The commissioner must review and approve or reject the stewardship assessment according to subdivision 7.

Subd. 6. Consultation required. Each stewardship organization or individual producer submitting a stewardship plan or plan amendment must consult with stakeholders including retailers, contractors, collectors, recyclers, local government, and customers during the development of the plan or plan amendment.

Subd. 7. Aquinas Commissioner review and approval. (a) Within 90 days after receipt of receiving a proposed stewardship plan, the agency shall commissioner must determine
whether the plan complies with subdivision 4. If the agency commissioner approves a plan, the agency shall notify the applicant of the plan approval in writing. If the agency commissioner rejects a plan, the agency shall notify the applicant in writing of the reasons for rejecting the plan.

(b) An applicant whose plan is rejected by the agency commissioner must submit a revised stewardship plan to the agency within 60 days after receiving notice of rejection. A stewardship organization may submit a revised stewardship plan to the commissioner on not more than two consecutive occasions. If, after the second consecutive submission, the commissioner determines that the revised stewardship plan still does not meet the requirements of this section, the commissioner must modify the stewardship plan as necessary to meet the requirements of this section and approve the stewardship plan.

(c) Any proposed amendment to a stewardship plan must be reviewed and approved or rejected by the agency in writing according to this subdivision.

Subd. 8. Plan availability. All proposed stewardship plans and amendments and approved stewardship plans shall and amendments must be placed on the agency's website for at least 30 days and made available at the agency's headquarters for public review and comment.

Subd. 9. Conduct authorized. A producer or stewardship organization that organizes collection, transport, and processing of architectural paint under this section is immune from liability for the conduct under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce only to the extent that the conduct is necessary to plan and implement the producer's or organization's chosen organized collection or recycling system.

Subd. 10. Producer responsibilities. (a) On and after the date of implementation of a product stewardship program according to this section, a producer of architectural paint must add the stewardship assessment, as established under subdivision 5, clause (5a), to the cost of architectural paint sold to retailers and distributors in the state by the producer.

(b) Producers of architectural paint or the stewardship organization shall provide consumers with educational materials regarding the stewardship assessment and product stewardship program. The materials must include, but are not limited to, information regarding available end-of-life management options for architectural paint offered through the product stewardship program and information that notifies consumers that a charge for the operation of the product stewardship program is included in the purchase price of architectural paint sold in the state.

Subd. 11. Retailer responsibilities. (a) On and after July 1, 2014, or three months after program plan approval, whichever is sooner. No architectural paint may be sold in the state unless the paint's producer is participating in an approved stewardship plan.

(b) On and after the implementation date of a product stewardship program according to this section, each retailer or distributor, as applicable, must ensure that the full amount...
of the stewardship assessment added to the cost of architectural paint by producers under subdivision 10 is included in the purchase price of all architectural paint sold in the state. of the stewardship assessment added to the cost of architectural paint by producers under in stewardship plans that the Subd. 13. Trade secret and sales information, as defined under Stewardship reports. may choose to participate voluntarily in a product stewardship program. Subd. 13. Producing architectural paint sold in the state must individually or through a stewardship organization submit an annual report to the agency’s commissioner describing the product stewardship program for the preceding calendar year. At a minimum, the report must contain: (4) samples of educational materials provided to consumers and an evaluation of the effectiveness of the materials and the methods used to disseminate the materials; and (5) an independent financial audit. Subd. 13. Data classification. Trade secret and sales information, as defined under section 13.37, submitted to the agency’s commissioner under this section are private or nonpublic data under section 13.37. Subd. 14. Agency Commissioner responsibilities. The agency’s commissioner must provide, on its website, a list of all compliant producers and brands participating in stewardship plans that the agency’s commissioner has approved and a list of all producers and brands the commissioner has identified as noncompliant with this section. Subd. 15. Local government responsibilities. (a) A city, county, or other public agency may choose to participate voluntarily in a product stewardship program. (b) Cities, counties, and other public agencies are encouraged to work with producers and stewardship organizations to assist in meeting product stewardship program reuse and recycling obligations, by providing education and outreach or using other strategies. (c) A city, county, or other public agency that participates in a product stewardship program must report for the first year of the program to the agency’s commissioner using the of the stewardship assessment added to the cost of architectural paint by producers under subdivision 10 is included in the purchase price of all architectural paint sold in the state. of the stewardship assessment added to the cost of architectural paint by producers under in stewardship plans that the Subd. 13. Trade secret and sales information, as defined under Stewardship reports. may choose to participate voluntarily in a product stewardship program. Subd. 13. Producing architectural paint sold in the state must individually or through a stewardship organization submit an annual report to the agency’s commissioner describing the product stewardship program for the preceding calendar year. At a minimum, the report must contain: (4) samples of educational materials provided to consumers and an evaluation of the effectiveness of the materials and the methods used to disseminate the materials; and (5) an independent financial audit. Subd. 13. Data classification. Trade secret and sales information, as defined under section 13.37, submitted to the agency’s commissioner under this section are private or nonpublic data under section 13.37. Subd. 14. Agency Commissioner responsibilities. The agency’s commissioner must provide, on its website, a list of all compliant producers and brands participating in stewardship plans that the agency’s commissioner has approved and a list of all producers and brands the agency’s commissioner has identified as noncompliant with this section. Subd. 15. Local government responsibilities. (a) A city, county, or other public agency may choose to participate voluntarily in a product stewardship program. (b) Cities, counties, and other public agencies are encouraged to work with producers and stewardship organizations to assist in meeting product stewardship program reuse and recycling obligations, by providing education and outreach or using other strategies. (c) A city, county, or other public agency that participates in a product stewardship program must report for the first year of the program to the agency’s commissioner using the of the stewardship assessment added to the cost of architectural paint by producers under subdivision 10 is included in the purchase price of all architectural paint sold in the state.
reporting form provided by the agency commissioner on the cost savings as a result of participation and must describe how the savings were used.  

Subd. 16. Administrative fee. (a) The stewardship organization or individual producer submitting a stewardship plan shall must pay an annual administrative fee to the commissioner. The agency commissioner may establish a variable fee based on relevant factors, including, but not limited to the portion of architectural paint sold in the state by members of the organization compared to the total amount of architectural paint sold in the state by all organizations submitting a stewardship plan.  

(b) Prior to July 1, 2014, and before July 1 annually thereafter each year, the agency commissioner must identify the costs of the agency incurred under this section. The agency commissioner shall must set the fee at an amount that, when paid by every stewardship organization or individual producer that submits a stewardship plan, is adequate to reimburse the agency's full costs of administering this section. The total amount of annual fees collected under this subdivision must not exceed the amount necessary to reimburse costs incurred by the agency to administer this section.

(c) A stewardship organization or individual producer subject to this subdivision must pay the agency commissioner's administrative fee under paragraph (a) on or before July 1, 2014, and annually thereafter each year. Each year after the initial payment, the annual administrative fee may not exceed five percent of the aggregate stewardship assessment added to the cost of all architectural paint sold by producers in the state for the preceding calendar year.

(d) All fees received under this section shall must be deposited in the state treasury and credited to a product stewardship account in the special revenue fund. For fiscal years 2014, 2015, 2016, and 2017, the amount collected under this section is annually appropriated to the agency commissioner to implement and enforce this section.

Subd. 17. Duty to provide information. Upon request of the commissioner for purposes of determining compliance with this section, a person must furnish to the commissioner any information that the person has or may reasonably obtain.  

Subd. 18. Sec. 53. Minnesota Statutes 2022, section 115A.49, is amended to read:  

115A.49 SOLID WASTE MANAGEMENT PROJECTS CAPITAL ASSISTANCE PROGRAM.  

(a) There is established a program to encourage and assist cities, counties, solid waste management districts, and sanitary districts in the development and implementation of solid waste management projects and to transfer the knowledge and experience gained from such projects to other communities in the state.

(b) The program must be administered to encourage local communities to develop feasible and prudent alternatives to disposal, including (1) waste reduction;
108.2 (2) reuse;
108.3 (3) recycling;
108.4 (4) composting source-separated compostable materials or yard waste;
108.5 (5) resource recovery;
108.6 (6) waste separation by generators, collectors, and other persons; and
108.7 (7) waste processing.

(c) The commissioner shall administer the program in accordance with the requirements of sections 115A.49 to 115A.54 and rules promulgated adopted under chapter 14. In administering the program, the commissioner shall give priority to projects in the order of preference of the waste management practices listed in section 115A.02. The commissioner shall give special consideration to areas where natural geologic and soil conditions are especially unsuitable for land disposal of solid waste; areas where the capacity of existing solid waste disposal facilities is determined by the commissioner to be less than five years; and projects serving more than one local government unit.

Sec. 54. Minnesota Statutes 2022, section 115A.51, is amended to read:

115A.51 APPLICATION REQUIREMENTS.

(a) Applications for assistance under the program must demonstrate:

(1) that the project is conceptually and technically feasible;

(2) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project;

(3) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources or the availability of materials for waste reduction or reuse, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

(4) that the applicant has evaluated the feasible and prudent alternatives to disposal, including using existing solid waste management facilities and facilities conducting waste reduction or reuse with reasonably available capacity sufficient to accomplish the goals of the proposed project, and has compared and evaluated the costs of the alternatives; including capital and operating costs, and the effects of the alternatives on the cost to generators;

(5) that the applicant has identified:

(i) waste management objectives in applicable county and regional solid waste management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and
(ii) other solid waste management facilities and facilities conducting waste reduction or reuse identified in the county and regional plans; and

(6) that the applicant has conducted a comparative analysis of the project against existing public and private solid waste management facilities and facilities conducting waste reduction or reuse, including an analysis of potential displacement of those facilities, to determine whether the project is the most appropriate alternative to achieve the identified waste management objectives that consider:

(i) conformity with approved county or regional solid waste management plans;

(ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

(iii) environmental standards related to public health, air, surface water, and groundwater;

(7) that the applicant has evaluated the project's environmental impact on climate change, including greenhouse gas emissions; and

(8) that the applicant has reviewed the project's impact on overburdened areas, conducted stakeholder engagement, and assessed community input.

(b) The commissioner may require completion of a comprehensive solid waste management plan conforming to the requirements of section 115A.46, before accepting an application. Within five days of filing an application with the agency, the applicant must submit a copy of the application to each solid waste management facility, including each facility used for waste reduction or reuse, mentioned in the portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

Sec. 55. Minnesota Statutes 2022, section 115A.54, subdivision 1, is amended to read:

Subdivision 1. Purposes; public interest; declaration of policy. The legislature finds that the establishment of waste processing acquiring, establishing, and improving facilities that conduct waste reduction, reuse, recycling, composting source-separated compostable materials or yard waste, resource recovery, and waste processing and transfer stations serving such facilities is needed to reduce and manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to acquire, establish, and improve the facilities and transfer stations are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance to stimulate and encourage the acquisition, establishment, and improvement of the facilities and transfer stations.

Sec. 56. Minnesota Statutes 2022, section 115A.54, subdivision 2, is amended to read:

Subd. 2. Administration; assurance of funds. The commissioner shall provide technical and financial assistance for the acquisition and establishment of, or to acquire, establish, and improve the facilities and transfer stations from revenues derived from the issuance of
issuing bonds authorized by section 115A.58. Facilities for the incineration of incinerating
solid waste without resource recovery are not eligible for assistance. Money appropriated
for the purposes of the demonstration program may be distributed as grants or loans. An
individual project may receive assistance totaling up to 100 percent of the capital cost of
the project and grants up to 75 percent of the capital cost of the project. No grant or loan
shall be disbursed to any recipient until the commissioner has determined the total estimated
capital cost of the project and ascertained that financing of the cost is assured by funds
provided by the state, by an agency of the federal government within the amount of funds
then appropriated to that agency and allocated by it to projects within the state, by any
person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund
for the construction of constructing the project.

Sec. 57. Minnesota Statutes 2022, section 115A.54, subdivision 2a, is amended to read:
Subd. 2a. Solid waste management projects.
(a) The commissioner shall provide
technical and financial assistance
for the acquisition and betterment of
and improve solid waste management projects as provided in this subdivision and section
TISA.32: Money appropriated for the purposes of this subdivision must be distributed as
grants:
(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25
percent of the capital cost of the project or $2,000,000, whichever is less, except
that projects constructed as a result of intercounty cooperative agreements may receive the
lesser of:
(1) grant assistance up to 25 percent of the capital cost of the project; or
(2) $2,000,000 times the number of participating counties, whichever is less.
(c) A recycling project, a project to compost or cocompost source-separated
compostable material or yard waste, or a project to manage household hazardous waste may
receive grant assistance up to 50 percent of the capital cost of the project or $2,000,000,
$5,000,000, whichever is less, except that projects completed as a result of intercounty
cooperative agreements may receive the lesser of:
(1) grant assistance up to 50 percent of the capital cost of the project; or
(2) $2,000,000 times the number of participating counties, whichever is less.
(d) The following projects may also receive grant assistance in the amounts specified
in this paragraph (c):
(1) a project to improve control of or reduce air emissions at an existing resource recovery
facility; and
(2) a project to substantially increase the recovery of materials or energy, substantially
reduce the amount or toxicity of waste processing residuals, or expand the capacity of an
existing resource recovery facility to meet the resource recovery needs of an expanded
region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

(e) A waste reduction project or reuse project may receive grant assistance up to 75 percent of the capital cost of the project or $5,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive the lesser of:

1. grant assistance up to 75 percent of the capital cost of the project; or
2. $5,000,000 times the number of participating counties.

(f) Notwithstanding paragraph (e), the commissioner may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the commissioner, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within 16 years of the date of the grant award, the recipient shall repay the grant amount to the state.

(g) Projects without waste reduction, reuse, recycling, composting source-separated compostable material or yard waste, or resource recovery are not eligible for assistance. Solid waste disposal facilities and equipment are not eligible for assistance.

(h) In addition to any assistance received under paragraph (b), (c), (d), or (e), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(i) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(j) For the purposes of this subdivision, a "project" means acquisition, establishment, or improvement of a processing facility that conducts waste reduction, reuse, recycling, composting source-separated compostable materials or yard waste, resource recovery, or waste processing, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

(k) The commissioner shall adopt rules for the program by July 1, 1985.

(l) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of...
at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an
existing resource recovery facility may receive grant assistance up to 75 percent of the
capital cost of the project if addition of the transfer station will increase substantially the
geographical area served by the resource recovery facility and the ability of the resource
recovery facility to operate more efficiently on a regional basis and the facility meets the
criteria in paragraph (c) (1), the second clause (2). A transfer station eligible for assistance
under this paragraph is not eligible for assistance under any other paragraph of this
subdivision.

Sec. 58. Minnesota Statutes 2022, section 115A.565, subdivision 1, is amended to read:

Subdivision 1. Grant program established. The commissioner must make competitive
grants to political subdivisions or federally recognized Tribes to establish curbside recycling
or composting, increase
the amount of recyclable materials entering disposal facilities, or reduce the costs associated
with hauling waste by locating collection sites as close as possible to the site where the
waste is generated of source-separated compostable materials or yard waste. To be eligible
for grants under this section, a political subdivision or federally recognized Tribe must be
located outside the seven-county metropolitan area and a city must have a population of
less than 45,000.

Subd. 3. Priorities; eligible projects. (a) If applications for grants exceed the available
appropriations, grants must be made for projects that, in the commissioner’s judgment,
provide the highest return in public benefits.

(b) To be eligible to receive a grant, a project must:

(1) be locally administered;

(2) have an educational component and measurable outcomes;

(3) request $250,000 or less;

(4) demonstrate local direct and indirect matching support of at least a quarter amount
of the grant request; and

(5) include at least one of the following elements:

(i) transition to residential recycling through curbside or centrally located collection
sites;

(ii) development of local recycling systems to support curbside recycling or
materials, including, but not limited to, electronic waste.

(iii) development or expansion of local recycling systems to support recycling bulk
materials, including, but not limited to, electronic waste.
Sec. 12. [115A.566] ZERO-WASTE GRANT PROGRAM.
Subdivision 1. Definitions. (a) For purposes of this section the following terms have the meanings given:
(b) "Compost" means a product that:
(1) is manufactured through the controlled aerobic, biological decomposition of biodegradable materials; and
(2) has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds and stabilizes the carbon such that it is beneficial to plant growth.
(c) "Composting" means the controlled microbial degradation of organic waste to yield a humus-like product.
(d) "Electronics" means any product that is powered by electricity but does not include industrial machinery or lead-acid batteries.
(e) "Eligible entity" means:
(1) a small business, as defined in section 645.445;
(2) an organization that is exempt from taxes under section 501(c)(3) of the Internal Revenue Code;
(3) a Minnesota city, county, public school district, town, or Tribal government;
(f) "Embodied energy" means energy that was used to create a product or material;
(g) "Environmental justice area" means one or more census tracts in Minnesota in which, based on the most recent data published by the United States Census Bureau:
(1) 40 percent or more of the area's total population is nonwhite;
(2) 35 percent or more of households in the area have an income that is at or below 200 percent of the federal poverty level; or
(3) waste reduction; or
(ii) reuse; or
(iii) recycling; or
(iv) composting of source-separated compostable materials or yard waste; and
(v) demonstrate that the project will reduce waste generation through waste reduction or reuse or that the project will increase the amount of recyclable materials or source-separated compostable materials diverted from a disposal facility.
Subd. 3. Grant application process. (a) The commissioner must develop administrative procedures governing the application and grant award process.

(b) The commissioner must award grants to eligible entities under this section through a competitive grant process. In a request for proposals, the commissioner must:

(1) specify the maximum grant amount; and

(2) establish the minimum percentage of total project funds that an applicant must contribute to the project. Recycling projects described in subdivisions 5, 7, and 8 must demonstrate use of responsible end markets.

Subd. 4. Grant program. The commissioner must establish a competitive grant program to award grants to eligible entities to promote projects described in subdivisions 5 to 8 that are consistent with zero-waste practices.

Subd. 5. Grant program. The commissioner must establish a competitive grant program to award grants to eligible entities to promote projects described in subdivisions 5 to 8 that are consistent with zero-waste practices.

Subd. 6. Grant application process. (a) The commissioner must develop administrative procedures governing the application and grant award process.

(b) The commissioner must award grants to eligible entities under this section through a competitive grant process. In a request for proposals, the commissioner must:

(1) specify the maximum grant amount; and

(2) establish the minimum percentage of total project funds that an applicant must contribute to the project. Recycling projects described in subdivisions 5, 7, and 8 must demonstrate use of responsible end markets.
(c) The commissioner must develop, in consultation with the agency's Environmental Justice Advisory Group, a streamlined and accessible application process.

(d) To apply for a grant under this section, an eligible entity must submit a written application to the commissioner on a form prescribed by the commissioner.

(e) The application must include specific source reduction, recycling, or composting targets or estimate reductions in life-cycle impacts to be achieved by the project.

(f) A project awarded a grant under this section must be completed within three years of the award.

(g) A recycling project awarded a grant under this section must not include energy recovery or energy generation by any means, including but not limited to combustion, incineration, pyrolysis, gasification, solvolysis, thermal desorption, or waste to fuel, or landfill disposal of discarded material or discarded product component materials, including the use of materials as landfill cover.

Subd. 4. Grant award process; priorities.

In awarding grants under this section, the commissioner must:

1. award at least 60 percent of available money to eligible entities whose projects are located in environmental justice areas and at least 30 percent of available funds to eligible entities whose projects are located in rural areas; and

2. give priority to eligible entities whose projects:
   (i) achieve source reduction;
   (ii) develop reuse systems;
   (iii) support existing or create new jobs that pay a living wage, with additional priority given to projects that create jobs for individuals with barriers to employment, as determined by the commissioner;
   (iv) minimize any negative environmental consequences of the proposed project;
   (v) demonstrate a need for additional investment in infrastructure and projects to achieve source reduction, recycling, or composting targets set by the local unit of government responsible for waste and recycling programs in the project area;
   (vi) encourage further investment in source reduction, recycling, or composting projects; or
   (vii) incorporate multistakeholder involvement, including nonprofit, commercial, and public sector partners.

Subd. 5. Electronics grants. (a) The commissioner may award grants under this subdivision to source reduction and recycling projects that address electronics. Grants may...
be used to fund recycling technology or infrastructure, research and development projects;
and electronics repair or refurbishment;

(b) No grant may be awarded under this subdivision:

(1) for an electronic waste buy-back program that pays consumers for used electronics
in the form of credits that may be used to purchase additional electronics; or

(2) to recyclers who are not certified by an organization accredited by the American
National Standards Institute National Accreditation Board as having achieved the e-Stewards
Standard for Responsible Recycling and Reuse of Electronic Equipment.

Subd. 6. Source reduction and reuse grants. The commissioner may award grants
under this subdivision to projects that promote source reduction or reuse. Grants may be
used:

(1) to redesign products in ways that reduce their life-cycle impacts while not increasing
the toxicity of those impacts, including reducing the amount of packaging; or

(2) for education and outreach activities that encourage consumers to change their product
purchasing, use, or disposal behaviors in ways that promote source reduction or reuse.

Subd. 7. Market development grants. (a) The commissioner may award grants under
this subdivision to projects that promote and strengthen markets for reuse, recycling, and
composting, including projects that increase demand for sorted recyclable commodities,
refurbished goods, or compost.

(b) Projects seeking grants under this subdivision must target materials that are
disproportionately disposed of in landfills or incinerated and must reduce the volume, weight,
or toxicity of waste and waste by-products.

(c) Projects seeking grants under this subdivision to expand recycling markets must
target easily or commonly recycled materials.

(d) Projects seeking grants under this subdivision must not conflict with other laws or
requirements identified by the commissioner.

Subd. 8. Recycling and composting infrastructure grants. (a) Grants awarded under
this subdivision may be used for facilities, machinery, equipment, and other physical
infrastructure or supplies required to collect or process materials for recycling and
composting.

(b) Grants awarded under this subdivision must result in increased capacity to process
residential and commercial source-separated organics, yard waste, and recyclable materials.
Grants awarded to increase the capacity of composting infrastructure must generate a usable
product that has demonstrable environmental benefits.
(c) No grant may be awarded under this subdivision to support composting material derived from mixed municipal solid waste.

Subd. 9. Reporting. By January 15, 2025, and each January 15 through 2027, the commissioner must submit a written report to the chairs and ranking minority members of the legislative committees having jurisdiction over economic development and environment that describes the use of grant money under this section. The report must include, at a minimum:

(1) a list of grant recipients, grant amounts, and project descriptions; and

(2) a narrative of progress made toward grant project goals.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 13. [115A.993] PROHIBITED DISPOSAL METHODS.

A person must not dispose of waste treated seed in a manner inconsistent with the product label, where applicable, or by:

(1) burial near a drinking water source or any creek, stream, river, lake, or other surface water;

(2) composting; or

(3) incinerating within a home or other dwelling.

Sec. 14. Minnesota Statutes 2022, section 115B.17, subdivision 14, is amended to read:

Subd. 14. Requests for review, investigation, and oversight. (a) The commissioner may, upon request, assist a person in determining whether real property has been the site of a release or threatened release of a hazardous substance, pollutant, or contaminant. The commissioner may also assist in, or supervise, the development and implementation of reasonable and necessary response actions. Assistance may include review of agency records and files, and review and approval of a requester's investigation plans and reports and response action plans and implementation.

(b) Except as otherwise provided in this paragraph, the person requesting assistance under this subdivision shall pay the agency for the agency's cost, as determined by the commissioner, of providing assistance. A state agency, political subdivision, or other public entity is not required to pay for the agency's cost to review agency records and files. Money received by the agency for assistance under this section must be deposited in the remediation fund and is exempt from section 16A.1285. Money received after the first $350,000 must be deposited in the state treasury and credited to an account in the special revenue fund. Money
in the account is annually appropriated to the commissioner for the purposes of administering
this subdivision.

(c) When a person investigates a release or threatened release in accordance with an
investigation plan approved by the commissioner under this subdivision, the investigation
does not associate that person with the release or threatened release for the purpose of section
115B.03, subdivision 3, paragraph (a), clause (4).

Sec. 15. Minnesota Statutes 2022, section 115B.171, subdivision 3, is amended to read:

Subd. 3. Test reporting. (a) By March 15 each year, the commissioner of the
Pollution Control Agency must report to each community in the east metropolitan area a
summary of the results of the testing for private wells in the community. The report must
include information on the number of wells tested and trends of PFC contamination in
private wells in the community. Reports to communities under this section must also be
published on the Pollution Control Agency's website.

(b) By March 15 each year, the commissioner of the Pollution Control Agency
must report to the legislature, as provided in section 3.195, on the testing for private wells
conducted in the east metropolitan area, including copies of the community reports required
in paragraph (a), the number of requests for well testing in each community, and the total
amount spent for testing private wells in each community.

Sec. 16. Minnesota Statutes 2022, section 115B.52, subdivision 4, is amended to read:

Subd. 4. Reporting. The commissioner of the Pollution Control Agency and the
commissioner of natural resources must jointly submit:

(1) by April 1, 2019, an implementation plan detailing how the commissioners will:

(i) determine how the priorities in the settlement will be met and how the spending will
move from the first priority to the second priority and the second priority to the third priority
outlined in the settlement; and

(ii) evaluate and determine what projects receive funding;

(2) by February 1 and August 1 each year, a biannual report to the chairs and
ranking minority members of the legislative policy and finance committees with jurisdiction
over environment and natural resources on expenditures from the water quality and
sustainability account during the previous six months fiscal year; and

(3) by August 1, 2019, 2023, and each year thereafter, a report to the legislature
on expenditures from the water quality and sustainability account during the previous fiscal
year and a spending plan for anticipated expenditures from the account during the current
fiscal year.
Sec. 18. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to read:

Subd. 6a. Commissioner. "Commissioner" means the commissioner of the Pollution Control Agency.

Subd. 10a. Environmental justice. "Environmental justice" means that:

1. communities of color, Indigenous communities, and low-income communities have a healthy environment and are treated fairly when environmental statutes, rules, and policies are developed, adopted, implemented, and enforced; and

2. in all decisions that have the potential to affect the environment of an environmental justice area or the public health of its residents, due consideration is given to the history of the area's and its residents' cumulative exposure to pollutants and to any current socioeconomic conditions that increase the physical sensitivity of those residents to additional exposure to pollutants.

Subd. 10b. Environmental justice area. "Environmental justice area" means one or more census tracts in Minnesota:

1. in which, based on the most recent data published by the United States Census Bureau:
   (i) 40 percent or more of the population is nonwhite;
   (ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or
   (iii) 40 percent or more of the population over the age of five has limited English proficiency; or

EFFECTIVE DATE. This section is effective the day following final enactment.
(2) located within Indian Country, as defined in United States Code, title 18, section 1151.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 21. [116.062] AIR TOXICS EMISSIONS REPORTING.

(a) This section applies to facilities that are subject to paragraph (b) and are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(b) The commissioner must require owners and operators of a facility issued an air quality permit by the agency, except a facility issued an Option B registration permit under Minnesota Rules, part 7007.1120, to annually report the facility's air toxics emissions to the agency, including a facility not required as a condition of its air quality permit to keep records of air toxics emissions. The commissioner must determine the method to be used by a facility to directly measure or estimate air toxics emissions. The commissioner must amend permits and complete rulemaking, and may enter into enforceable agreements with facility owners and operators, in order to make the reporting requirements under this section enforceable.

(c) For the purposes of this section, "air toxics" means chemical compounds or compound classes that are emitted into the air by a permitted facility and that are:

(1) hazardous air pollutants listed under the federal Clean Air Act, United States Code, title 42, section 7412, as amended;

(2) chemicals reported as released into the atmosphere by a facility located in the state for the Toxic Release Inventory under the federal Emergency Planning and Community Right-to-Know Act, United States Code, title 42, section 11023, as amended;

(3) chemicals for which the Department of Health has developed health-based values or risk assessment advice;

(4) chemicals for which the risk to human health has been assessed by either the federal Environmental Protection Agency's Integrated Risk Information System or its Provisional Peer-Reviewed Toxicity Values;

(5) chemicals reported by facilities in the agency's most recent triennial emissions inventory.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 22. [116.064] ODOR MANAGEMENT.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.
(b) "Objectionable odor" means pollution of the ambient air beyond the property line of a facility consisting of an odor that, considering its characteristics, intensity, frequency, and duration:

1. is, or can reasonably be expected to be, injurious to public health or welfare; or
2. unreasonably interferes with the enjoyment of life or the use of property of persons exposed to the odor;

(c) "Odor complaint" means a notification received and recorded by the agency or by a political subdivision from an identifiable person that describes the nature, duration, and location of the odor.

Subd. 2. Application. This section applies to facilities that are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

Subd. 3. Prohibition. No person may cause or allow emission into the ambient air of any substance or combination of substances in quantities that produce an objectionable odor beyond the property line of the facility that is the source of the odor.

Subd. 4. Odor complaints; investigation. (a) The agency must conduct a site investigation of any facility against which six or more verifiable odor complaints have been submitted to the agency or to local government officials within 48 hours. The investigation must include:

1. an interview with the owner or operator of the facility against which the complaint was made;
2. a physical examination of the facilities, equipment, operations, conditions, methods, storage areas for material inputs, chemicals and waste, and any other factors that may contribute to or are designed to mitigate the emission of odors; and
3. testing at locations identified in the odor complaints and at other locations beyond the property line of the facility that is the source of the odor using a precision instrument capable of measuring odors in ambient air.

(b) The commissioner, based upon the agency's site investigation and the results of odor testing and considering the nature, intensity, frequency, and duration of the odor and other relevant factors, shall determine whether the odor emitted from the facility constitutes an objectionable odor. In making the determination, the commissioner may consider the opinions of a random sample of persons exposed to samples of the odor taken from ambient air beyond the property line of the facility that is the source of the odor.

(c) The agency must notify officials in local jurisdictions:

1. of odor complaints filed with the agency regarding properties within the local jurisdiction;
(2) of any investigation of an odor complaint conducted by the agency at a facility within
the local jurisdiction and the results of the investigation;
(3) that odor complaints filed with respect to properties located within those jurisdictions
must be forwarded to the agency within three business days of being filed; and
(d) of any additional actions taken by the agency with respect to the complaints;
Subd. 5. Objectionable odor; management plan.
(a) If the commissioner determines
under subdivision 4 that the odor emitted from a facility is an objectionable odor, the
commissioner shall require the owner of the facility to develop and submit to the agency
for review within 90 days an odor management plan designed to mitigate odor emissions.
The agency must provide technical assistance to the property owner in developing a
management plan, including:
(1) identifying odor control technology and equipment that may reduce odor emissions;
and
(2) identifying alternative methods of operation or alternative materials that may reduce
odor emissions;
The commissioner may grant an extension for submission of the odor management plan for
up to an additional 90 days for good cause.
(b) An odor management plan must contain, at a minimum, for each odor source
contributing to odor emissions:
(1) a description of plant operations and materials that generate odors;
(2) proposed changes in equipment, operations, or materials that are designed to mitigate
odor emissions;
(3) the estimated effectiveness of the plan in reducing odor emissions;
(4) the estimated cost of implementing the plan; and
(5) a schedule of plan implementation activities;
(c) The commissioner may accept, reject, or modify an odor management plan submitted
under this subdivision;
(d) If the commissioner, based upon the same factors considered under subdivision 4,
paragraph (b), determines that implementation of the odor management plan has failed to
reduce the facility's odor emissions to a level where they are no longer objectionable odors,
the commissioner shall order the facility owner to revise the odor management plan within
90 days of receipt of the commissioner's order. If the revised odor management plan is not
acceptable to the commissioner or is implemented but fails to reduce the property's odor
emissions to a level where they are no longer objectionable odors, the commissioner may
impose penalties under section 115.071 or may modify or revoke the facility's permit under section 116.07, subdivision 4a, paragraph (d).

Subd. 6. Exemptions. This section does not apply to:

(1) on-farm animal and agricultural operations;
(2) motor vehicles and transportation facilities;
(3) municipal wastewater treatment plants;
(4) single-family dwellings not used for commercial purposes;
(5) materials odorized for safety purposes;
(6) painting and coating operations that are not required to be licensed;
(7) restaurants; and
(8) temporary activities and operations.

Subd. 7. Rulemaking required. (a) The commissioner must adopt rules to implement this section, and section 14.125 does not apply.
(b) The commissioner must comply with chapter 14 and must complete the statement of need and reasonableness according to chapter 14 and section 116.07, subdivision 2, paragraph (f).
(c) The rules must include:
(1) an odor standard or standards for air pollution that may qualify as an objectionable odor under subdivision 1, paragraph (b), clause (2);
(2) a process for determining if an odor is objectionable;
(3) a process for investigating and addressing odor complaints;
(4) guidance for developing odor-management plans; and
(5) procedures and criteria for determining the success or failure of an odor-management plan.

EFFECTIVE DATE. This section is effective the day following final enactment.
"Compelling public interest" means a factor or condition that is necessary to serve an essential environmental, health, or safety need of residents of an environmental justice area and that cannot reasonably be met by alternative available means.

"Cumulative impacts" means the impacts of aggregated levels of past and current air, water, and land pollution in a defined geographic area to which current residents are exposed.

"Environmental justice" means: communities of color, Indigenous communities, and low-income communities have a healthy environment and are treated fairly when environmental statutes, rules, and policies are developed, adopted, implemented, and enforced; and in all decisions that have the potential to affect the environment of an environmental justice area or the public health of its residents, due consideration is given to the history of the area's and its residents' cumulative exposure to pollutants and to any current socioeconomic conditions that could increase harm to those residents from additional exposure to pollutants.

"Environmental stressors" mean factors that may make residents of an environmental justice area susceptible to harm from exposure to pollutants. Environmental stressors include: social and environmental factors, including but not limited to poverty, substandard housing, food insecurity, elevated rates of disease, and poor access to health insurance and medical care.

"Environmental justice area" means one or more census tracts in Minnesota: in which, based on the most recent data published by the United States Census Bureau: (i) 40 percent or more of the population is nonwhite; (ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or (iii) 40 percent or more of the population over the age of five has limited English proficiency; or located within Indian Country, as defined in United States Code, title 18, section 1151.

"Environmental stressors" mean factors that may make residents of an environmental justice area particularly sensitive to exposure to pollutants. Environmental stressors include: social and environmental factors, including but not limited to poverty, substandard housing, food insecurity, elevated rates of disease, and poor access to health insurance and medical care.
Subd. 2. Applicability. This section applies to applications for the following types of new construction permits, permits required for facility expansions, and reissuances of existing permits for facilities: (1) located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington; or (2) located in the cities of Duluth, Mankato, Moorhead, North Mankato, Rochester, or St. Cloud; and (3) for which the commissioner has determined under subdivision 3 that issuance of the permit as proposed may impact the environment or the health of residents in an environmental justice area:

(i) a major source air permit, as defined in Minnesota Rules, part 7007.0200; and

(ii) a state air permit required under Minnesota Rules, part 7007.0250, subparts 2 to 6;

Subd. 3. Cumulative impacts analysis; determination of need. (a) The commissioner is responsible for determining whether a proposed permit action may impact the environment or health of the residents of an environmental justice area.

(b) A permit application must indicate whether the permit action sought is likely to impact the environment or the health of residents of an environmental justice area and must include the data used by the applicant to make the determination.

(c) In making a determination whether a cumulative analysis is required, the commissioner must:

(1) review the permit application and the applicant's assessment of the need to conduct a cumulative analysis;

(2) assess whether the proposed permit exceeds any of the benchmarks for conducting a cumulative impact analysis established in rules adopted under subdivision 6;

(3) review any comments and material evidence submitted by members of the public regarding the necessity for a cumulative impact analysis; and

(4) review any other information the commissioner deems relevant;

(5) An applicant must conduct a cumulative analysis if:

(1) the potential impacts of the permit issuance exceed any of the benchmarks for conducting a cumulative impacts analysis established in rules adopted under subdivision 6;

(2) the commissioner determines that issuance of the permit may impact the environment or health of the residents of an environmental justice area; or

(3) material evidence accompanying a petition signed by at least 50 individuals residing or owning property in the environmental justice area potentially affected by the permit.

2. Cumulative impacts analysis: when required. (a) Except as provided in paragraph (b), this subdivision applies to the following permit applications for the construction of a new facility or the expansion of an existing facility within the seven-county metropolitan area or within Indian Country, as defined in United States Code, title 18, section 1151:

(1) a major source air permit, as defined in Minnesota Rules, part 7007.0200, subpart 2;

(2) a state air permit required under Minnesota Rules, part 7007.0250, subpart 6;

(3) an individual permit for a solid waste disposal facility proposing to receive or increase capacity by 100,000 cubic yards or more of waste annually; and

(4) a permit required for the treatment, storage, or disposal of hazardous waste.

(b) This section does not apply to the construction of a new facility or the expansion of an existing facility by a person acting under a permit to mine iron, taconite, or nonferrous metallic minerals, or to a permit application for the construction of a new facility or the expansion of an existing facility in the Taconite Assistance Area, as defined in section 773.1341.

(c) The owner or operator of a facility subject to paragraph (a), clause (1), must conduct a cumulative impacts analysis if the facility is located in or, as determined by the commissioner, may affect the environment or health of residents in an environmental justice area.

(d) A petition signed by at least 100 persons residing or owning property in the affected environmental justice area is submitted to the commissioner and supported by material evidence demonstrating, to the satisfaction of the commissioner, that a potential adverse cumulative impact on the environment or health of the residents of the environmental justice area may result if the permit is issued.

In making this determination, the commissioner may consider material evidence submitted by the owner or operator of the facility seeking the permit that issuance of the permit will not result in a potential adverse cumulative impact in the environmental justice area.

(d) The commissioner may require an owner or operator of a facility described in paragraph (a), clauses (1) to (4), that is seeking reissuance of a permit to conduct a cumulative impacts analysis if the commissioner has material evidence that demonstrates that a potential...
issuance demonstrates that issuance of the permit may impact the environment or health of the residents of the environmental justice area.

Subd. 4. Public meeting requirements. (a) A permit applicant or permit holder required to conduct a cumulative impacts analysis under subdivision 2 must hold at least two public meetings in the environmental justice area impacted by the facility before the commissioner issues or denies a permit. The first public meeting must be held before conducting a cumulative impacts analysis, and the second must be held after conducting the analysis.

(b) The permit applicant or permit holder must:

(1) publish notice containing the date, time, and location of the public meetings and a brief description of the permit or project in a newspaper of general circulation in the environmental justice area at least 30 days before the meetings;

(2) post physical signage in the environmental justice area impacted, as directed by the commissioner; and

(3) provide the commissioner with notice of the public meeting and a copy of the cumulative impacts analysis at least 45 days before the second public meeting.

(c) The commissioner must post the notice and cumulative impacts analysis on the agency website at least 30 days before the second public meeting.

(d) The permit applicant or permit holder must:

(1) provide an opportunity for robust public and Tribal engagement at the public meetings;

(2) accept written and oral comments, as directed by the commissioner, from any interested party; and

(3) provide an electronic copy of all written comments and a transcript of all oral comments to the agency within 30 days of the public meetings.

Subd. 3. Cumulative impacts analysis; public meeting requirements. (a) Any owner or operator required to conduct a cumulative impacts analysis under subdivision 2 must hold at least two public meetings in the affected environmental justice area before the commissioner issues or denies a permit. The first public meeting must be held before conducting a cumulative impacts analysis, and the second must be held after conducting the analysis.

(b) The owner or operator must:

(1) publish notice containing the date, time, and location of the public meetings and a brief description of the permit or project in a newspaper of general circulation in the environmental justice area at least 30 days before the meetings;

(2) post physical signage in the environmental justice area impacted, as directed by the commissioner; and

(3) provide the commissioner with notice of the public meeting and a copy of the cumulative impacts analysis at least 45 days before the second public meeting.

(c) The commissioner must post the notice and cumulative impacts analysis on the agency website at least 30 days before the second public meeting.

(d) The permit applicant or permit holder must:

(1) provide an opportunity for robust public and Tribal engagement at the public meetings;

(2) accept written and oral comments, as directed by the commissioner, from any interested party; and

(3) provide an electronic copy of all written comments and a transcript of oral comments to the agency within 30 days of the public meetings.
(e) If the permit applicant or permit holder is applying for more than one permit that may affect the same environmental justice area, the permit applicant or permit holder may request that the commissioner require that the facility hold two public meetings that address all of the permits sought. The commissioner may approve or deny the request.

(f) The commissioner may incorporate conditions in a permit for a facility located in or affecting an environmental justice area to hold multiple in-person meetings with residents of the environmental justice area affected by the facility to share information and discuss community concerns.

Subd. 5. Environmental justice area; permit decisions. (a) In determining whether to issue or deny a permit, the commissioner shall consider the cumulative impacts analysis conducted, the testimony presented, and comments submitted in public meetings held under subdivision 4. The permit may be issued no earlier than 30 days following the last public meeting.

(b) The commissioner must deny an application for a permit subject to this section for a facility in an environmental justice area if cumulative impacts analysis determines that issuing the permit, in combination with the environmental stressors present in the environmental justice area, would contribute to adverse cumulative environmental stressors or adverse cumulative impacts in the environmental justice area, unless:

1. the commissioner enters into a community benefit agreement with the facility owner or operator, in consultation with community-based organizations representing the interests of residents of the environmental justice area; and

2. there is a compelling public interest to issue the permit, as determined by the commissioner, based on criteria established in rules adopted under subdivision 5.

(c) If the commissioner determines that a compelling public interest exists and the applicant enters into a community benefit agreement with the commissioner, the agency may grant a permit that imposes conditions on the construction and operation of the facility to protect public health and the environment.

(d) The commissioner must prepare a written document containing the reasons for the commissioner’s decision regarding the need for a cumulative impacts analysis made under this subdivision and describing how various pieces of evidence were weighed and balanced to arrive at the decision. The commissioner must provide a copy of the document to the permit applicant and to any person who submitted material evidence to the commissioner for consideration in making the decision and must post the document on the agency website.

(g) Issuance of a permit under this section must include a requirement that the facility provide information to the community describing the health risks that the facility poses.

(h) A community benefit agreement must be signed on or before the date a new or reissued permit is issued in an environmental justice area.
Subd. 6. Rulemaking. (a) The commissioner must adopt rules under chapter 14 to implement and govern the cumulative impacts analysis and issuance or denial of permits for facilities that impact environmental justice areas as provided in this section, within 36 months of the effective date of this act, or the authority for the rules expires.

(b) During the rulemaking process, the Pollution Control Agency must engage in robust public engagement, including public meetings, and Tribal consultation.

c) Rules adopted under this section must:

1. establish benchmarks to assist the commissioner's determination regarding the need for a cumulative impacts analysis;

2. establish the required content of a cumulative impacts analysis, including sources of public information that an applicant can access regarding environmental stressors that are present in an environmental justice area;

3. define conditions, criteria, or circumstances that qualify as a compelling public interest, which:

   i) must include, with respect to economic considerations, only those that directly and substantially benefit residents of the environmental justice area;

   ii) must include noneconomic considerations that directly benefit the residents of the environmental justice area; and

   iii) must take into account public comments made at public meetings held under subdivisions 4.

4. establish the content of a community benefit agreement and procedures for entering into community benefit agreements, which must include:

   i) meaningful consultation with members of the public and community-based organizations or coalitions representing the interests of residents within the environmental justice area;

   ii) at least one public meeting held within the environmental justice area; and

f) The commissioner must publish and maintain on the agency website a list of environmental justice areas in the state.
(iii) a formal petition showing support from 50 community members that is signed after a public meeting; and

(3) establish a petition process and form submitted to the agency by environmental justice area residents to support the need for a cumulative impact analysis, including criteria defining potential adverse cumulative impacts on the environment or health of the residents.

(d) The agency must provide translation services and translated materials upon request during rulemaking meetings.

(e) The agency must provide public notice on the agency website at least 30 days before public meetings held on the rulemaking. The notice must include the date, time, and location of the meeting. The agency must use multiple communication methods to inform residents of environmental justice areas in the public meetings held for the rulemaking.

Subd. 7. Review. Any person aggrieved by a final decision on the need for a cumulative impacts analysis or the issuance or denial of a permit under this section is entitled to judicial review of the decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the court of appeals and served on all parties to the contested case not more than 30 days after the party receives the final decision and order of the agency.

Subd. 8. Compliance costs. A permit applicant is responsible for the cost of complying with this section. The reasonable costs of the agency to comply with this section are to be borne by permit applicants subject to this section, as required under section 116.07, subdivision 4d, paragraph (b).

Sec. 24. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to read:

Subd. 4m. Nonexpiring state individual permits; public informational meeting. (a) For each facility issued a nonexpiring state individual air quality permit by the agency, the agency must hold a separate public informational meeting at regular intervals to allow the public to make comments or inquiries regarding any aspect of the permit, including but not limited to permit conditions, testing results, the facility's operations, and permit compliance. The public informational meeting must be held at a location near the permitted facility and convenient to the public. Individuals employed at the facility who are responsible for the facility meeting the conditions of the permit and agency officials must be present at the public informational meeting. For nonexpiring state individual air quality permits issued or
reissued after December 31, 2018, a public informational meeting must be held under this subdivision no later than five years after the permit is issued or reissued and every five years thereafter. For nonexpiring state individual air quality permits issued on or before December 31, 2018, a public informational meeting must be held under this subdivision no later than December 31, 2024, and every five years thereafter.

(b) For the purposes of this section, "state individual air quality permit" means an air quality permit that:

(1) is issued to an individual facility that is required to obtain a permit under Minnesota Rules, part 7007.0250, subparts 2 to 6; and

(2) is not a general permit issued under Minnesota Rules, part 7007.1100.

c) As required under subdivision 4d, the agency's direct and indirect reasonable costs of conducting the activities under this subdivision must be recovered through air quality permit fees.

EFFECTIVE DATE.
This section is effective the day following final enactment.

Sec. 26. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to read:

Subd. 4o. Aboveground storage tanks; fees. (a) The commissioner must collect permit fees for aboveground storage tank facilities in amounts not greater than necessary to cover the reasonable costs of developing, reviewing, and acting upon applications for agency permits and implementing and enforcing the conditions of the permits. The fee schedule must reflect reasonable and routine direct and indirect costs associated with permitting, implementation, enforcement, and other activities necessary to operate the aboveground storage tank program.

(b) Each fiscal year, the commissioner must adjust the fees as necessary to maintain an annual income that covers the legislative appropriation needed to administer the aboveground storage tank program according to paragraph (a). The commissioner must adjust fees according to the criteria established under paragraph (c) and as required under paragraph (d). Fees established under this subdivision are exempt from section 16A.1285.

c) The commissioner must adopt rules that specify criteria for establishing:
(1) an annual fee from permitted aboveground storage tank facilities; and

(2) a permit application fee for aboveground storage tank facility permit applications.

(d) The commissioner must annually increase the fees under this subdivision by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for calendar year 2022. For purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that most consistent with the Consumer Price Index for calendar year 2022 must be used.

(e) Fees collected under this subdivision must be deposited in the state treasury and credited to the environmental fund and must be used for the purposes specified in paragraph (a).

(f) This paragraph expires when the commissioner adopts the initial rules required under paragraph (c). Until the commissioner adopts the initial rules under paragraph (c):

(1) the annual fee for major aboveground storage tank facilities is equal to the quotient of dividing the legislative appropriation under paragraph (b) by the number of major aboveground storage tank facilities; and

(2) there is no permit application fee for aboveground storage tank facilities.

Sec. 61. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:

Subd. 6. Pollution Control Agency; exercise of powers. In exercising all its powers the Pollution Control Agency shall give due consideration to:

(1) consider the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances; and

(2) to the extent reasonable, feasible, and practical under the circumstances:

(i) ensure that actions or programs that have a direct, indirect, or cumulative impact on environmental justice areas incorporate community-focused practices and procedures in agency processes, including communication, outreach, engagement, and education to enhance meaningful, timely, and transparent community access;

(ii) collaborate with other state agencies to identify, develop, and implement means to eliminate and reverse environmental and health inequities and disparities;
(iii) promote the utility and availability of environmental data and analysis for environmental justice areas, other agencies, federally recognized Tribal governments, and the public;

(iv) encourage coordination and collaboration with residents of environmental justice areas to address environmental and health inequities and disparities; and

(v) ensure environmental justice values are represented to the agency from a commissioner-appointed environmental justice advisory committee that is composed of diverse members and that is developed and operated in a manner open to the public and in accordance with the duties described in the bylaws and charter adopted and maintained by the commissioner.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 28. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to read:

Subd. 7f. Abandoned manure storage areas. At least annually, the commissioner must compile a list of abandoned manure storage areas in the state. A list compiled under this subdivision is not a feedlot inventory for purposes of subdivision 7b. For purposes of this subdivision, "abandoned manure storage areas" means solid and liquid manure storage areas that have been previously registered with the state as a feedlot with a manure storage area and have:

(1) permanently ceased operation and are subject to, but not in compliance with, the closure requirements established by the commissioner in rule for feedlots and manure storage areas; or

(2) been unused for at least three years.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 29. [116.076] ENVIRONMENTAL JUSTICE AREAS; BOUNDARIES; MAPS.

(a) No later than December 1, 2023, the commissioner must determine the boundaries of all environmental justice areas in Minnesota. The determination of the geographic boundaries of an environmental justice area may be appealed by filing a petition that contains evidence to support amending the commissioner's determination. The petition must be signed by at least 50 residents of census tracts within or adjacent to the environmental justice area, as determined by the commissioner. The commissioner may, after reviewing the petition, amend the boundaries of an environmental justice area.

(b) The commissioner must post updated maps of each environmental justice area in the state on the agency website.

EFFECTIVE DATE. This section is effective the day following final enactment.
Sec. 30. [161.156] GREEN INFRASTRUCTURE GRANT PROGRAM.

Subdivision 1. Establishment of program. The commissioner must establish a green infrastructure grant program to provide grants for green infrastructure projects.

Subd. 2. Definitions. (a) For the purposes of this section, the following terms have the meanings given:

(b) "Commissioner" means the commissioner of the Pollution Control Agency.

c) "Green infrastructure" has the meaning given in United States Code, title 33, section 1362, as amended through December 31, 2019, and also includes trails, bridges, roads, and recreational amenities designed to mitigate stormwater impacts.

d) "Political subdivision" means a county, home rule charter or statutory city, town, or other political subdivision of the state.

e) "Project" means a green infrastructure project or stormwater infrastructure project to be owned and administered by a political subdivision.

(f) "Stormwater infrastructure" means a project that does one or more of the following:

1) increases stormwater capacity or stormwater storage;

2) addresses environmental damage caused by weather extremes;

3) prevents localized flooding;

4) creates stormwater systems that can manage flows from heavy rains;

5) addresses public safety concerns caused by undersized stormwater systems; or

6) ensures continuation of critical services during severe weather.

Subd. 3. Eligibility. A political subdivision is eligible to apply for and receive a grant under this section.

Subd. 4. Application. An application by a political subdivision for a grant under this section must be made at the time and in the form and manner prescribed by the commissioner.

Subd. 5. Eligible project. A grant may be used to acquire land or an interest in land, predesign, design, renovate, construct, furnish, and equip a project.

Subd. 6. Grants. To be eligible for a grant under this section, a political subdivision must timely submit an application to the commissioner and pass a resolution in support of the project. The commissioner may give priority to a political subdivision that provides a local match of funds for the project.
Sec. 62. [116.943] PRODUCTS CONTAINING PFAS.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given:

(b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

c) "Air care product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles. Automotive maintenance product does not include automotive paint or paint repair products.

d) "Automotive maintenance product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles. Automotive maintenance product does not include automotive paint or paint repair products.

e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

(f) "Cleaning product" means a finished product used primarily for domestic, commercial, or institutional cleaning purposes, including but not limited to an air care product, an automotive maintenance product, a general cleaning product, or a polish or floor maintenance product.

(g) "Commissioner" means the commissioner of the Pollution Control Agency.

(h) "Cookware" means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

(i) "Cosmetic" means articles, excluding soap:

(1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for the purpose of cleansing, beautifying, promoting attractiveness, or altering the appearance; and

(2) intended for use as a component of any such article.

(j) "Currently unavoidable use" means a use of PFAS that the commissioner has determined by rule under this section to be essential for health, safety, or the functioning of society and for which alternatives are not reasonably available.

(k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more characteristics, including but not limited to stain resistance or water resistance.

(l) "Intentionally added" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.
"Juvenile product" means a product designed or marketed for use by infants and children under 12 years of age:

1. including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; child restraint system for use in motor vehicles and aircraft; co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable crib; stroller; and toddler mattress; and

2. not including a children's electronic product such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; or an adult mattress.

"Medical device" has the meaning given "device" under United States Code, title 21, section 321, subsection (h).

"Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

"Product" means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including but not limited to its product components, sold or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

"Product component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

"Ski wax" means a lubricant applied to the bottom of snow runners, including but not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes related tuning products.

"Textile" means an item made in whole or part from a natural or synthetic fiber, yarn, fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon, and polyester.

"Textile furnishings" means textile goods of a type customarily used in households and businesses, including but not limited to draperies, floor coverings, furnishings, bedding, towels, and tablecloths.
(v) "Upholstered furniture" means an article of furniture that is designed to be used for sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling material.

Subd. 2. Information required. (a) On or before January 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

1. a brief description of the product, including a universal product code (UPC), stock keeping unit (SKU), or other numeric code assigned to the product;
2. the purpose for which PFAS are used in the product, including in any product components;
3. the amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;
4. the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and
5. any additional information requested by the commissioner as necessary to implement the requirements of this section;

(b) With the approval of the commissioner, a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.

c. A manufacturer must submit the information required under this subdivision whenever a new product is sold, offered for sale, or distributed in the state and update and revise the information whenever there is significant change in the information or when requested to do so by the commissioner.

d. A person may not sell, offer for sale, or distribute for sale in the state a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under this subdivision and the person has received notification under subdivision 4.

Subd. 3. Information requirement waivers; extensions. (a) The commissioner may waive all or part of the information requirement under subdivision 2 if the commissioner determines that substantially equivalent information is already publicly available.
(b) The commissioner may enter into an agreement with one or more other states or political subdivisions of a state to collect information and may accept information to a shared system as meeting the information requirement under subdivision 2.

(c) The commissioner may extend the deadline for submission by a manufacturer of the information required under subdivision 2 if the commissioner determines that more time is needed by the manufacturer to comply with the submission requirement.

(d) The commissioner may grant a waiver under this subdivision to a manufacturer or a group of manufacturers for multiple products or a product category.

Subd. 4. Testing required and certificate of compliance. (a) If the commissioner has reason to believe that a product contains intentionally added PFAS and the product is being offered for sale in the state, the commissioner may direct the manufacturer of the product, within 30 days, to provide the commissioner with testing results that demonstrate the amount of each of the PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner.

(b) If testing demonstrates that the product does not contain intentionally added PFAS, the manufacturer must provide the commissioner a certificate attesting that the product does not contain intentionally added PFAS, including testing results and any other relevant information.

(c) If testing demonstrates that the product contains intentionally added PFAS, the manufacturer must provide the commissioner with the testing results and the information required under subdivision 2.

(d) A manufacturer must notify persons who sell or offer for sale a product prohibited under subdivision 2 or 5 that the sale of that product is prohibited in this state and provide the commissioner with a list of the names and addresses of those notified.

(e) The commissioner may notify persons who sell or offer for sale a product prohibited under subdivision 2 or 5 that the sale of that product is prohibited in this state.

Subd. 5. Prohibitions. (a) Beginning January 1, 2025, a person may not sell, offer for sale, or distribute for sale in this state the following products if the product contains intentionally added PFAS:

1. carpets or rugs;
2. cleaning products;
3. cookware;
4. cosmetics;
5. dental floss;
6. cosmetics;
7. cookware;
8. cleaning products;
9. carpets or rugs;
10. dental floss;
(6) fabric treatments;
(7) juvenile products;
(8) menstruation products;
(9) textile furnishings;
(10) ski wax; or
(11) upholstered furniture.

(b) The commissioner may by rule identify products by category or use that may not be sold, offered for sale, or distributed for sale in this state if they contain intentionally added PFAS and designate effective dates. Effective dates must begin no earlier than January 1, 2025, and no later than January 1, 2032. The commissioner must prioritize the prohibition of the sale of product categories that, in the commissioner's judgment, are most likely to contaminate or harm the state's environment and natural resources if they contain intentionally added PFAS. The commissioner may exempt products by rule when the use of PFAS is a currently unavoidable use as determined by the commissioner.

(c) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for sale in this state any product that contains intentionally added PFAS, unless the commissioner has determined by rule that the use of PFAS in the product is a currently unavoidable use. The commissioner may specify specific products or product categories for which the commissioner has determined the use of PFAS is a currently unavoidable use.

Subd. 8. Exemptions. This section does not apply to:

(1) a product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
(2) a product regulated under section 325F.072 or 325F.075; or

Subd. 9. Exemptions. The commissioner may exempt products by rule when the use of PFAS is a currently unavoidable use as determined by the commissioner.

Subd. 6. Fees. The commissioner may establish by rule a fee payable by a manufacturer to the commissioner upon submission of the information required under subdivision 2 to cover the agency's reasonable costs to implement this section. Fees collected under this subdivision must be deposited in an account in the environmental fund.

Subd. 7. Enforcement. (a) The commissioner may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

Subd. 8. Exemptions. This section does not apply to:

(1) a product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
(2) a product regulated under section 325F.072 or 325F.075; or
(3) the sale or resale of a used product.

Subd. 9. Rules. The commissioner may adopt rules necessary to implement this section.

Section 14.125 does not apply to the commissioner’s rulemaking authority under this section.

Sec. 32. Minnesota Statutes 2022, section 116C.03, subdivision 2a, is amended to read:

Subd. 2a. "Biodegradable" label. A manufacturer, distributor, or wholesaler may not sell or offer for sale and any other person may not knowingly sell or offer for sale in this state a plastic bag covered product labeled "biodegradable," "degradable," "decomposable," or any form of those terms, or in any way imply that the bag covered product will chemically decompose into innocuous elements in a reasonably short period of time in a landfill, composting, or other terrestrial environment unless a scientifically based standard for biodegradability is developed and the bags are certified as meeting the standard: break down, fragment, degrade, biodegrade, or decompose in a landfill or other environment, unless an ASTM standard specification is adopted for the term claimed and the product is certified as meeting the specification in compliance with the provisions of subdivision 2a.

Subd. 2. "Compostable" label. (a) A manufacturer, distributor, or wholesaler may not sell or offer for sale and any other person may not knowingly sell or offer for sale in this state a plastic bag covered product labeled "compostable" unless, at the time of sale or offer for sale, the bag covered product:

1. meets the ASTM Standard Specification for Compostable Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400); each bag must be labeled to reflect that it meets the standard. For purposes of this subdivision, "ASTM" has the meaning given in section 296A.01, subdivision 6, or its successor or the ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor, and the covered product is labeled to reflect that it meets the specification;

2. is comprised of only wood without any coatings or additives; or
(3) is comprised of only paper without any coatings or additives.

(b) A covered product labeled "compostable" and meeting the criteria under paragraph
(a) must be clearly and prominently labeled on the product, or on the product's smallest unit
of sale, to reflect that it is intended for an industrial or commercial compost facility. The
label required under this paragraph must be in a legible text size and font.

Subd. 2a. Certification of products. Beginning January 1, 2026, a manufacturer,
distributor, or wholesaler may not sell or offer for sale and any other person may not
knowingly sell or offer for sale in this state a covered product labeled as "biodegradable"
or "compostable" unless the covered product is certified as meeting the requirements of
subdivision 1 or 2, as applicable, by an entity that:

1. is a nonprofit corporation;
2. as its primary focus of operation, promotes the production, use, and appropriate end
of life for materials and products that are designed to fully biodegrade in specific biologically
active environments such as industrial composting; and
3. is technically capable of and willing to perform analysis necessary to determine a
product's compliance with subdivision 1 or 2, as applicable.

Subd. 3. Enforcement; civil penalty; injunctive relief. (a) A manufacturer, distributor,
or wholesaler person who violates subdivision 1 or 2 of this section is subject to a civil or
administrative penalty of $100 for each prepackaged saleable unit sold or offered for sale
up to a maximum of $5,000 and may be enjoined from those violations.

(b) The attorney general may bring an action in the name of the state in a court of
competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in
this subdivision. The attorney general may accept an assurance of discontinuance of acts
in violation of subdivision 1 or 2 of this section in the manner provided in section 8.31,
subdivision 2b.

(c) The commissioner of the Pollution Control Agency may enforce this section under
sections 115.071 and 116.072. The commissioner may coordinate with the commissioners
of commerce and health in enforcing this section.

(d) When requested by the commissioner of the Pollution Control Agency, a person
selling or offering for sale a covered product labeled as "compostable" must furnish to the
commissioner any information that the person may have or may reasonably obtain that is
relevant to show compliance with this section.

Subd. 4. Definitions. For purposes of this section, the following terms have the meanings
given:

1. "ASTM" has the meaning given in section 296A.01, subdivision 6:
(2) "covered product" means a bag, food or beverage product, or packaging;

(3) "food or beverage product" means a product that is used to wrap, package, contain, serve, store, prepare, or consume a food or beverage, such as plates, bowls, cups, lids, trays, straws, utensils, and hinged or lidded containers; and

(4) "packaging" has the meaning given in section 115A.03, subdivision 22b.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 34. [325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS; PROHIBITION.

Subdivision 1. Definitions. For purposes of this section, "covered product" means any of the following products or product components:

(1) jewelry;

(2) toys;

(3) cosmetics and personal care products;

(4) puzzles, board games, card games, and similar games;

(5) play sets and play structures;

(6) outdoor games;

(7) school supplies;

(8) pots and pans;

(9) cups, bowls, and other food containers;

(10) craft supplies and jewelry-making supplies;

(11) chalk, crayons, paints, and other art supplies;

(12) fidget spinners;

(13) costumes, costume accessories, and children's and seasonal party supplies;

(14) keys, key chains, and key rings; and

(15) clothing, footwear, headwear, and accessories.

Subd. 2. Prohibition. (a) A person must not import, manufacture, sell, hold for sale, or distribute or offer for use in this state any covered product containing:

(1) lead at more than 0.009 percent by total weight (90 parts per million); or

(2) cadmium at more than 0.0075 percent by total weight (75 parts per million).
This section does not apply to covered products containing lead or cadmium, or both, when regulation is preempted by federal law.

Subd. 3. Enforcement. (a) The commissioners of the Pollution Control Agency, commerce, and health may coordinate to enforce this section. The commissioner of the Pollution Control Agency or commerce may, with the attorney general, enforce any federal restrictions on the sale of products containing lead or cadmium, or both, as allowed under federal law. The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner of commerce may enforce this section under sections 45.027, subdivisions 1 to 6, 325F.10 to 325F.12, and 325F.14 to 325F.16. The attorney general may enforce this section under section 8.31.

(b) When requested by the commissioner of the Pollution Control Agency, the commissioner of commerce, or the attorney general, a person must furnish to the commissioner or attorney general any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

Sec. 36. Minnesota Statutes 2022, section 325F.072, subdivision 1, is amended to read:

No person, political subdivision, or state agency shall intentionally add PFAS chemicals or perfluoroalkyl and polyfluoroalkyl substances to firefighting foam formulations. (a) For the purposes of this section, the following terms have the meanings given.

"PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam formulations.

"Class B firefighting foam" means foam designed for flammable liquid fires.

"Testing" means calibration testing, conformance testing, and fixed system testing.

"Firefighting foam formulations" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam formulations.

"State agency" means an agency as defined in section 16B.01, subdivision 2.

"Testing" means calibration testing, conformance testing, and fixed system testing.

Subd. 3. Prohibition of testing and training. (a) Beginning July 1, 2020, no person, political subdivision, or state agency shall discharge class B firefighting foam that contains intentionally added PFAS chemicals, offer for sale, distribute for sale, or distribute for use in this state, and no person shall use in this state, class B firefighting foam containing PFAS chemicals.
(1) for testing purposes, unless the testing facility has implemented appropriate
containment, treatment, and disposal measures to prevent releases of foam to the environment,
or
(2) for training purposes, unless otherwise required by law, and with the condition that
the training event has implemented appropriate containment, treatment, and disposal measures
to prevent releases of foam to the environment. For training purposes, class B foam that
contains intentionally added PFAS chemicals shall not be used.

(b) This section does not restrict:
(1) the manufacture, sale, or distribution of class B firefighting foam that contains
intentionally added PFAS chemicals;
(2) the discharge or other use of class B firefighting foams that contain intentionally
added PFAS chemicals in emergency firefighting or fire prevention operations.

(b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
exempt under this paragraph effective one year after the day of revocation.

(c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
B firefighting foam for purposes of use at an airport, as defined under section 360.013,
subdivision 39, until the state fire marshal makes a determination that:
(1) the Federal Aviation Administration has provided policy guidance on the transition
to fluorine-free firefighting foam;
(2) a fluorine-free firefighting foam product is included in the Federal Aviation
Administration's Qualified Product Database; and
(3) a firefighting foam product included in the database under clause (2) is commercially
available in quantities sufficient to reliably meet the requirements under Code of Federal
Regulations, title 14, part 139.

(d) Until the state fire marshal makes a determination under paragraph (c), the operator
of an airport using class B firefighting foam containing PFAS chemicals must, on or before
December 31 each calendar year, submit a report to the state fire marshal regarding the
status of the airport's conversion to class B firefighting foam products without intentionally
added PFAS, the disposal of class B firefighting foam products with intentionally added
PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

EFFECTIVE DATE. This section is effective January 1, 2024.

(1) for testing purposes, unless the testing facility has implemented appropriate
containment, treatment, and disposal measures to prevent releases of foam to the environment,
or
(2) for training purposes, unless otherwise required by law, and with the condition that
the training event has implemented appropriate containment, treatment, and disposal measures
to prevent releases of foam to the environment. For training purposes, class B foam that
contains intentionally added PFAS chemicals shall not be used.

(b) This section does not restrict:
(1) the manufacture, sale, or distribution of class B firefighting foam that contains
intentionally added PFAS chemicals;
(2) the discharge or other use of class B firefighting foams that contain intentionally
added PFAS chemicals in emergency firefighting or fire prevention operations.

(b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
exempt under this paragraph effective one year after the day of revocation.

(c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
B firefighting foam for purposes of use at an airport, as defined under section 360.013,
subdivision 39, until the state fire marshal makes a determination that:
(1) the Federal Aviation Administration has provided policy guidance on the transition
to fluorine-free firefighting foam;
(2) a fluorine-free firefighting foam product is included in the Federal Aviation
Administration's Qualified Product Database; and
(3) a firefighting foam product included in the database under clause (2) is commercially
available in quantities sufficient to reliably meet the requirements under Code of Federal
Regulations, title 14, part 139.

(d) Until the state fire marshal makes a determination under paragraph (c), the operator
of an airport using class B firefighting foam containing PFAS chemicals must, on or before
December 31 each calendar year, submit a report to the state fire marshal regarding the
status of the airport's conversion to class B firefighting foam products without intentionally
added PFAS, the disposal of class B firefighting foam products with intentionally added
PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

EFFECTIVE DATE. This section is effective January 1, 2024.
Sec. 37. Minnesota Statutes 2022, section 325F.072, is amended by adding a subdivision
to read:

Subd. 3a. Discharge for testing and training. A person, political subdivision, or state
treatment, and disposal measures to prevent releases of foam to the environment; or
to prevent releases of foam to the environment.

(1) testing purposes, unless the testing facility has implemented appropriate containment,
treatment, and disposal measures to prevent releases of foam to the environment; or
(2) training purposes, unless otherwise required by law, and with the condition that the
training event has implemented appropriate containment, treatment, and disposal measures
to prevent releases of foam to the environment.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 38. TREATED SEED WASTE DISPOSAL RULEMAKING.
The commissioner of the Pollution Control Agency, in consultation with the commissioner
of agriculture and the University of Minnesota, must adopt rules under Minnesota Statutes,
chapter 14, providing for the safe and lawful disposal of waste treated seed. The rules must
clearly identify the regulatory jurisdiction of state agencies and local governments with
regard to such seed. Additional Department of Agriculture staff will not be hired until
rulemaking is completed.

Sec. 39. AIR TOXICS EMISSIONS; RULEMAKING.
Subdivision 1. Definitions. For the purposes of this section:
(1) "agency" means the Minnesota Pollution Control Agency;
(2) "air toxics" has the meaning given in Minnesota Statutes, section 116.062;
(3) "commissioner" means the commissioner of the Pollution Control Agency;
(4) "continuous emission monitoring system" has the meaning given in Minnesota Rules,
part 7017.1002, subpart 4;
(5) "environmental justice area" means one or more census tracts in Minnesota:
(i) in which, based on the most recent data published by the United States Census Bureau:
(A) 40 percent or more of the population is nonwhite;
(B) 35 percent or more of the households have an income at or below 200 percent of the
federal poverty level; or
(C) 40 percent or more of the population over the age of five has limited English
proficiency; or

EFFECTIVE DATE. This section is effective January 1, 2024.
(ii) located within Indian Country, as defined in United States Code, title 18, section 1151;

(6) "performance test" has the meaning given in Minnesota Rules, part 7017.2005, subpart 4; and

(7) "volatile organic compound" has the meaning given in Minnesota Rules, part 7005.0100, subpart 45.

Subd. 2. Application. This section applies to facilities that emit air toxics and are located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

Subd. 3. Rulemaking required. The commissioner shall adopt rules under Minnesota Statutes, chapter 14, to implement and govern regulation of facilities that emit air toxics.

Notwithstanding Minnesota Statutes, section 14.125, the agency must publish notice of intent to adopt rules within 36 months of the effective date of this act, or the authority for the rules expires.

Subd. 4. Content of rules. (a) The rules required under subdivision 3 must address, at a minimum:

(1) specific air toxics to be regulated, including, at a minimum, those defined in subdivision 1;

(2) types of facilities to be regulated, including, at a minimum, facilities that have been issued an air quality permit by the commissioner, other than an Option B registration permit under Minnesota Rules, part 7007.1120, and that:

(i) emit air toxics, whether the emissions are limited in a permit or not; or

(ii) purchase or use material containing volatile organic compounds;

(3) performance tests conducted by facilities to measure the volume of air toxics emissions and testing methods, procedures, protocols, and frequency;

(4) required monitoring of air emissions, including using continuous emission monitoring systems for certain facilities, and monitoring of production inputs or other production parameters;

(5) requirements for reporting information to the agency to assist the agency in determining the amount of the facility's air toxics emissions and the facility's compliance with emission limits in the facility's permit;

(6) record keeping related to air toxics emissions; and

(7) frequency of facility inspections and inspection activities that provide information about air toxics emissions;
(b) In developing the rules, the commissioner must establish testing, monitoring, reporting, record-keeping, and inspection requirements for facilities that reflect:

(1) the different risks to human health and the environment posed by the specific air toxics and amounts emitted by a facility, such that facilities posing greater risks are required to provide more frequent evidence of permit compliance, including but not limited to performance tests, agency inspections, and reporting;

(2) the facility's record of compliance with air toxics emission limits and other permit conditions; and

(3) any exposure of residents of an environmental justice area to the facility's air toxics emissions.

Subd. 5. Modifying permits. Within three years after adopting the rules required in subdivision 3, the commissioner must amend existing air quality permits, including but not limited to federal permits, individual state total facility permits, and capped emission permits, as necessary to conform with the rules.

Subd. 6. Rulemaking cost. The commissioner must collect the agency's costs to develop the rulemaking required under this section and to conduct regulatory activities, including but not limited to monitoring, inspection, and data collection and maintenance, required as a result of the rulemaking through the annual fee paid by owners or operators of facilities required to obtain air quality permits from the agency, as required under Minnesota Statutes, section 116.07, subdivision 4d, paragraph (b).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 40. POSITION ESTABLISHED; POLLUTION CONTROL AGENCY.

The commissioner of the Pollution Control Agency must establish a new full-time equivalent position of community liaison, funded through air quality permit fees, as specified in Minnesota Statutes, section 116.07, subdivision 4d, to conduct the administrative tasks necessary to successfully implement the nonexpiring permit public meeting requirements under Minnesota Statutes, section 116.07, subdivision 4m, and other regulatory activities requiring interaction between the agency and residents in communities exposed to air pollutants emitted by facilities permitted by the agency.

Sec. 41. COMMUNITY AIR-MONITORING SYSTEMS; PILOT GRANT PROGRAM.

Subdivision 1. Definitions. (a) For purposes of this section, the terms in this subdivision have the meanings given.

(b) “Agency” means the Minnesota Pollution Control Agency.

(c) “Commissioner” means the commissioner of the Minnesota Pollution Control Agency.
(d) "Community air-monitoring system" means a system of devices monitoring ambient air quality at many locations within a small geographic area that is subject to air pollution from a variety of stationary and mobile sources in order to obtain frequent measurements of pollution levels, to detect differences in exposure to pollution over distances no larger than a city block, and to identify areas where pollution levels are inordinately elevated.

(e) "Environmental justice area" means one or more census tracts in Minnesota:

(1) in which, based on the most recent data published by the United States Census Bureau:

(i) 40 percent or more of the population is nonwhite;

(ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or

(iii) 40 percent or more of the population over the age of five has limited English proficiency; or

(2) located within Indian Country, as defined in United States Code, title 18, section 1151;

(f) "Nonprofit organization" means an organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Subd. 2. Establishing program. A pilot grant program for community air-monitoring systems is established in the agency to measure air pollution levels at many locations within an environmental justice area in Minneapolis.

Subd. 3. Eligible applicants. Grants under this section may be awarded to applicants consisting of a partnership between a nonprofit organization located in or working with residents located in an environmental justice area in which the community air-monitoring system is to be deployed and an entity that has experience deploying, operating, and interpreting data from air-monitoring systems:

Subd. 4. Eligible projects. Grants may be awarded under this section to applicants whose proposals:

(1) use a variety of air-monitoring technologies approved for use by the commissioner, including but not limited to stationary monitors, sensor-based handheld devices, and mobile devices that can be attached to vehicles or drones to measure air pollution levels;

(2) obtain data at fixed locations and from handheld monitoring devices that are carried by residents of the community on designated walking routes in the targeted community and that can provide high-frequency measurements;

(3) use the monitoring data to generate maps of pollution levels throughout the monitored area; and

(4) provide monitoring data to the agency to help inform:
(i) agency decisions, including placement of the agency's stationary air monitors and the development of programs to reduce air emissions that impact environmental justice areas; and

(ii) decisions by other governmental bodies regarding transportation or land use planning.

Subd. 5. Eligible expenditures. Grants may be used only for:

(1) planning the configuration and deployment of the community air-monitoring system;

(2) purchasing and installing air-monitoring devices as part of the community air-monitoring system;

(3) training and paying persons to operate stationary, handheld, and mobile devices to measure air pollution;

(4) developing data and mapping systems to analyze, organize, and present the air-monitoring data collected; and

(5) writing a final report on the project, as required under subdivision 9.

Subd. 6. Application and grant award process. An eligible applicant must submit an application to the commissioner on a form prescribed by the commissioner. The commissioner must develop administrative procedures governing the application and grant award process. The commissioner must act as fiscal agent for the grant program and is responsible for receiving and reviewing grant applications and awarding grants under this section.

Subd. 7. Grant awards; priorities. In awarding grants under this section, the commissioner must give priority to proposed projects that:

(1) take place in areas with high rates of illness associated with exposure to air pollution, including asthma, chronic obstructive pulmonary disease, heart disease, chronic bronchitis, and cancer;

(2) promote public access to and transparency of air-monitoring data developed through the project; and

(3) conduct outreach activities to promote community awareness of and engagement with the project.

Subd. 8. Report to agency. No later than 90 days after a project ends, a grantee must submit a written report to the commissioner describing the project's findings and results and any recommendations for agency actions, programs, or activities to reduce levels of air pollution measured by the community air-monitoring system. The grantee must also submit to the commissioner all air-monitoring data developed by the project.

Subd. 9. Report to legislature. No later than March 15, 2025, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees...
with primary jurisdiction over environment policy and finance on the results of the grant program, including:

1. any changes in the agency's air-monitoring network that will occur as a result of data developed under the program;

2. any actions the agency has taken or proposes to take to reduce levels of pollution that impact the environmental justice areas that received grants under the program; and

3. any recommendations for legislation, including whether the program should be extended or expanded.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 42. **PETROLEUM TANK RELEASE CLEANUP; REPORT.**

The commissioner of the Pollution Control Agency must perform the duties under clauses (1) to (5) with respect to the petroleum tank release cleanup program governed by Minnesota Statutes, chapter 115C, and must, no later than January 15, 2025, report the results to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment policy and finance. The report must include any recommendations for legislation. The commissioner must:

1. explicitly define the conditions that must be present in order for the commissioner to classify a site as posing a low potential risk to public health and the environment and ensure that all agency staff use the definition in assessing potential risks. In determining the conditions that indicate that a site poses a low risk, the commissioner must consider relevant site conditions, including but not limited to the nature of groundwater flow, soil type, and proximity of features at or near the site that could potentially become contaminated;

2. develop guidelines to incorporate consideration of potential future uses of a contaminated property into all agency staff decisions regarding site remediation;

3. develop scientifically based and measurable technical standards that allow the quality of the agency's performance in remediating petroleum-contaminated properties to be evaluated and conduct such evaluations periodically;

4. in collaboration with the Petroleum Tank Release Compensation Board and the commissioner of commerce, examine whether and how to establish technical qualifications for consultants hired to remediate petroleum-contaminated properties as a strategy to improve the quality of remediation work and how agencies can share information on consultant performance; and

5. in collaboration with the commissioner of commerce, make consultants who remediate petroleum-contaminated sites more accountable for the quality of their work by:
(i) requiring a thorough evaluation of the past performance of a contractor being considered for hire;

(ii) developing a formal system of measures and procedures by which to evaluate the work; and

(iii) sharing evaluations with the commissioner of commerce and with responsible parties.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 43. MANURE STORAGE AREA REPORTS REQUIRED.

Subdivision 1. Reports. (a) No later than December 15, 2023, the commissioner of the Pollution Control Agency must develop a list based on registration data for each county of potentially abandoned manure storage areas.

(b) No later than January 15, 2025, each delegated county must report to the commissioner of the Pollution Control Agency a list of abandoned manure storage areas located in the county. The report must be submitted by the county feedlot officer.

(c) No later than January 15, 2025, the Pollution Control Agency regional feedlot staff must compile a list of abandoned manure storage areas located in counties under their regulatory jurisdiction that do not have delegation agreements with the agency.

(d) No later than February 15, 2025, the commissioner of the Pollution Control Agency must submit a compilation report and list of abandoned manure storage areas to the legislative committees with jurisdiction over agriculture and environment. The report must include recommendations for remediation. The commissioner must seek advice from the Minnesota Association of County Feedlot Officers and livestock associations for recommendations, including existing and any proposed options for remediation.

(e) For purposes of this section, "abandoned manure storage areas" has the meaning given in Minnesota Statutes, section 116.07, subdivision 7f.

(f) Reports and lists required under this section are not feedlot inventories for purposes of Minnesota Statutes, section 116.07, subdivision 7b.

Subd. 2. Delegated counties. (a) Except as provided in paragraph (b), during the 2023 and 2024 delegation years, the commissioner of the Pollution Control Agency must not penalize a delegated county for a performance issue or shortcoming attributable to the county's reassignment of county feedlot officer resources necessary to comply with the additional requirements imposed upon the county under subdivision 1.

(b) The commissioner may penalize a county during the 2023 or 2024 delegation year for a performance issue or shortcoming attributable to the county's reassignment of county feedlot officer resources only if the specific penalty is approved by a majority of the board of the Minnesota Association of County Feedlot Officers.
Sec. 44. PFAS MANUFACTURERS FEE WORK GROUP.

The commissioner of the Pollution Control Agency, in cooperation with the commissioners of revenue and management and budget, must establish a work group to review options for collecting a fee from manufacturers of PFAS in the state. By February 15, 2024, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources with recommendations.

Sec. 45. TEMPORARY EXEMPTION FOR TERMINALS AND OIL REFINERIES.

Subd. 1. Temporary exemption. Minnesota Statutes, section 325F.072, subdivision 3, does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for the purposes of use at a terminal or oil refinery until January 1, 2026.

Subd. 2. Extension; waiver. (a) A person who operates a terminal or oil refinery may apply to the state fire marshal for a waiver to extend the exemption under subdivision 1 beyond January 1, 2026, as provided in this subdivision.

(b) The state fire marshal may grant a waiver to extend the exemption under subdivision 1 for a specific use if the applicant provides all of the following:

(1) clear and convincing evidence that there is no commercially available replacement firefighting foam that does not contain intentionally added PFAS chemicals and that is capable of suppressing fire for that specific use;

(2) information on the amount of firefighting foam containing intentionally added PFAS chemicals stored, used, or released on-site on an annual basis;

(3) a detailed plan, with timelines, for the operator of the terminal or oil refinery to transition to firefighting foam that does not contain intentionally added PFAS chemicals for that specific use; and

(4) a plan for meeting the requirements under subdivision 3.

(c) The state fire marshal must ensure there is an opportunity for public comment during the waiver process. The state fire marshal must consider both information provided by the applicant and information provided through public comment when making a decision on whether to grant a waiver. The term of a waiver must not exceed two years. The state fire marshal must not grant a waiver for a specific use if any other terminal or oil refinery is known to have transitioned to commercially available class B firefighting foam that does not contain intentionally added PFAS chemicals for that specific use. All waivers must expire by January 1, 2026. A person that anticipates applying for a waiver for a terminal or oil refinery must submit a notice of intent to the state fire marshal by January 1, 2025, in order to be considered for a waiver beyond January 1, 2026. The state fire marshal must notify the waiver applicant of a decision within six months of the waiver submission date.

Subd. 2. Temporary exemption. Minnesota Statutes, section 325F.072, subdivision 3, does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for the purposes of use at a terminal or oil refinery until January 1, 2026.

Subd. 2. Extension; waiver. (a) A person who operates a terminal or oil refinery may apply to the state fire marshal for a waiver to extend the exemption under subdivision 1 beyond January 1, 2026, as provided in this subdivision.

(b) The state fire marshal may grant a waiver to extend the exemption under subdivision 1 for a specific use if the applicant provides all of the following:

(1) clear and convincing evidence that there is no commercially available replacement firefighting foam that does not contain intentionally added PFAS chemicals and that is capable of suppressing fire for that specific use;

(2) information on the amount of firefighting foam containing intentionally added PFAS chemicals stored, used, or released on-site on an annual basis;

(3) a detailed plan, with timelines, for the operator of the terminal or oil refinery to transition to firefighting foam that does not contain intentionally added PFAS chemicals for that specific use; and

(4) a plan for meeting the requirements under subdivision 3.

(c) The state fire marshal must ensure there is an opportunity for public comment during the waiver process. The state fire marshal must consider both information provided by the applicant and information provided through public comment when making a decision on whether to grant a waiver. The term of a waiver must not exceed two years. The state fire marshal must not grant a waiver for a specific use if any other terminal or oil refinery is known to have transitioned to commercially available class B firefighting foam that does not contain intentionally added PFAS chemicals for that specific use. All waivers must expire by January 1, 2026. A person that anticipates applying for a waiver for a terminal or oil refinery must submit a notice of intent to the state fire marshal by January 1, 2025, in order to be considered for a waiver beyond January 1, 2026. The state fire marshal must notify the waiver applicant of a decision within six months of the waiver submission date.
The state fire marshal must provide an applicant for a waiver under this subdivision an opportunity to:

1. correct deficiencies when applying for a waiver; and
2. provide evidence to dispute a determination that another terminal or oil refinery is known to have transitioned to commercially available class B firefighting foam that does not contain intentionally added PFAS chemicals for that specific use, including evidence that the specific use is different.

Subd. 3. Use requirements. (a) A person that uses class B firefighting foam containing intentionally added PFAS chemicals under this section must:

1. implement tactics that have been demonstrated to prevent release directly to the environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains;
2. attempt to fully contain all firefighting foams with PFAS on-site using demonstrated practices designed to contain all PFAS releases;
3. implement containment measures such as bunds and ponds that are controlled, are impervious to PFAS chemicals, and do not allow fire water, wastewater, runoff, and other wastes to be released to the environment, such as to soils, groundwater, waterways, or stormwater; and
4. dispose of all fire water, wastewater, runoff, impacted soils, and other wastes in a way that prevents releases to the environment.

(b) A terminal or oil refinery that has received a waiver under this section may provide and use class B firefighting foam containing intentionally added PFAS chemicals in the form of mutual aid to another terminal or oil refinery at the request of authorities only if the other terminal or oil refinery also has a waiver.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 46. FIREFIGHTER TURNOUT GEAR; REPORT.
(a) The commissioner of the Pollution Control Agency, in cooperation with the commissioner of health, must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS) in turnout gear by January 15, 2024. The report must include:

1. current turnout gear requirements and options for eliminating or reducing PFAS in turnout gear;
2. current turnout gear disposal methods and recommendations for future disposal to prevent PFAS contamination; and

(b) A terminal or oil refinery that has received a waiver under this section may provide and use class B firefighting foam containing intentionally added PFAS chemicals in the form of mutual aid to another terminal or oil refinery at the request of authorities only if the other terminal or oil refinery also has a waiver.

EFFECTIVE DATE. This section is effective January 1, 2024.
Recommendations and protocols for PFAS biomonitoring in firefighters, including a process for allowing firefighters to voluntarily register for biomonitoring.

For the purposes of this section, "turnout gear" is the personal protective equipment used by firefighters.

Sec. 47. PFAS WATER QUALITY STANDARDS.

(a) The commissioner of the Pollution Control Agency must adopt rules establishing water quality standards for:

1. perfluorooctanoic acid (PFOA);
2. perfluorooctane sulfonic acid (PFOS);
3. perfluorononanoic acid (PFNA);
4. hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX chemicals);
5. perfluorohexane sulfonic acid (PFHxS); and
6. perfluorobutane sulfonic acid (PFBS).

(b) The commissioner must adopt the rules establishing the water quality standards required under this section by July 1, 2026, and Minnesota Statutes, section 14.125, does not apply.

Sec. 48. HEALTH RISK LIMIT; PERFLUOROOCTANE SULFONATE.

By July 1, 2025, the commissioner of health must amend the health risk limit for perfluorooctane sulfonate (PFOS) in Minnesota Rules, part 4717.7860, subpart 15, so that the health risk limit does not exceed 0.015 parts per billion. In amending the health risk limit for PFOS, the commissioner must comply with Minnesota Statutes, section 144.0751, requiring a reasonable margin of safety to adequately protect the health of infants, children, and adults.

Sec. 49. PATH TO ZERO WASTE; REPORT.

(a) By July 15, 2025, the commissioner of the Pollution Control Agency must conduct a study and prepare a report that includes a pathway to achieve zero waste and submit the report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over environmental policy and finance and energy policy.

(b) The commissioner must seek outside technical support from certified zero-waste experts to conduct the study and prepare the report. The report must abide by the internationally peer-reviewed definition of zero waste and the zero-waste hierarchy as codified by the Zero Waste International Alliance, and include...
182.10 (1) an overview of how municipal solid waste is currently managed;  
182.11 (2) a summary of infrastructure, programs, and resources needed to reach zero waste  
182.12 over a 2021 baseline by 2045 or sooner;  
182.13 (3) an analysis that outlines the impact of different strategies to achieve zero waste;  
182.14 (4) strategic policy initiatives that will be required to manage waste at the top of the  
182.15 zero-waste hierarchy, as the state strives to achieve zero waste;  
182.16 (5) a discussion of the feasibility, assumptions, and projected time frame for achieving  
182.17 zero waste if proposed policies are implemented and necessary investments are made,  
182.18 including the projected need for land disposal capacity based on the estimated growth in  
182.19 waste generation and the practicable ability of existing technologies to reduce waste to avoid  
182.20 disposal;  
182.21 (6) recommendations for reducing the environmental and human health impacts of waste  
182.22 disposal during the transition to zero waste, especially across environmental justice areas;  
182.23 (7) a life cycle analysis comparing incineration and landfilling ash; direct use of  
182.24 landfilling, and zero-waste implementation. This analysis must include, at a minimum, the  
182.25 impacts of greenhouse gas emissions; toxic chemical pollutants, including cancer and  
182.26 noncancer effects; particulate matter emissions; and smog formation from emissions of  
182.27 nitrogen oxides and volatile organic compounds and their impacts on asthma and respiratory  
182.28 health. The analysis must present the results so that the global warming and other health  
182.29 and environmental impacts can be evaluated side-by-side using the same units, such as a  
182.30 monetized social and environmental harm indicator. A separate environmental justice  
182.31 analysis must be conducted, analyzing the demographics around any existing and proposed  
182.32 waste disposal facilities. Using the best available data, the report must evaluate the costs of  
182.33 each option and the impacts on local job support; and  
182.34 (8) the role of nonburn alternatives in the destruction of problem materials such as  
182.35 invasive species, pharmaceuticals, and perfluorooalkyl and polyfluoroalkyl substances.  
183.1 (c) The commissioner must obtain input from counties and cities inside and outside the  
183.2 seven-county metropolitan area, recycling and composting facilities, waste haulers,  
183.3 environmental organizations, Tribal representatives, and other interested parties in preparing  
183.4 the report. The development of the report must include stakeholder input from diverse  
183.5 communities located in environmental justice areas that contain a waste facility. The  
183.6 commissioner must provide for an open public comment period of at least 60 days on the  
183.7 draft report. Written public comments and any commissioner responses must be included  
183.8 in the final report.

Sec. 50. REPORT REQUIRED; RECYCLING AND REUSING SOLAR PHOTOVOLTAIC MODULES AND INSTALLATION COMPONENTS.

(a) The commissioner of the Pollution Control Agency, in consultation with the  
commissioners of commerce and employment and economic development, must coordinate
preparation of a report on developing a statewide system to reuse and recycle solar photovoltaic modules and installation components in the state.

(b) The report must include options for a system to collect, reuse, and recycle solar photovoltaic modules and installation components at end of life. Any system option included in the report must be convenient and accessible throughout the state, recover 100 percent of discarded components, and maximize value and materials recovery. Any system option developed must include analysis of:

(1) the reuse and recycling values of solar photovoltaic modules, installation components, and recovered materials;

(2) system infrastructure and technology needs;

(3) how to maximize in-state employment and economic development;

(4) net costs for the program; and

(5) potential benefits and negative impacts of the plan on environmental justice and Tribal communities.

c) The report must include a survey of solar photovoltaic modules and installation components that are currently coming out of service and those projected to come out of service in the future in Minnesota. The report must include a description of how solar photovoltaic modules and installation components are currently being managed at end of life and how they would likely be managed in the future without the proposed reuse and recycling system.

d) After completing the report, the commissioner must convene a working group to advise on developing policy recommendations for a statewide system to manage solar photovoltaic modules and installation components. The working group must include, but is not limited to:

(1) the commissioners of commerce and employment and economic development or their designees;

(2) representatives of the solar industry and electric utilities;

(3) representatives of state, local, and Tribal governments; and

(4) other relevant stakeholders.

e) By January 15, 2025, the commissioner must submit the report and the policy recommendations developed under this section to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance and energy policy and finance.

preparation of a report on developing a statewide system to reuse and recycle solar photovoltaic modules and installation components in the state.

(b) The report must include options for a system to collect, reuse, and recycle solar photovoltaic modules and installation components at end of life. Any system option included in the report must be convenient and accessible throughout the state, recover 100 percent of discarded components, and maximize value and materials recovery. Any system option developed must include analysis of:

(1) the reuse and recycling values of solar photovoltaic modules, installation components, and recovered materials;

(2) system infrastructure and technology needs;

(3) how to maximize in-state employment and economic development;

(4) net costs for the program; and

(5) potential benefits and negative impacts of the plan on environmental justice and Tribal communities.

c) The report must include a survey of solar photovoltaic modules and installation components that are currently coming out of service and those projected to come out of service in the future in Minnesota. The report must include a description of how solar photovoltaic modules and installation components are currently being managed at end of life and how they would likely be managed in the future without the proposed reuse and recycling system.

d) After completing the report, the commissioner must convene a working group to advise on developing policy recommendations for a statewide system to manage solar photovoltaic modules and installation components. The working group must include, but is not limited to:

(1) the commissioners of commerce and employment and economic development or their designees;

(2) representatives of the solar industry and electric utilities;

(3) representatives of state, local, and Tribal governments; and

(4) other relevant stakeholders.

e) By January 15, 2025, the commissioner must submit the report and the policy recommendations developed under this section to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance and energy policy and finance.
The revisor of statutes must change the term "master plan" or similar term to "plan" wherever the term appears in Minnesota Statutes, sections 473.803 to 473.8441. The revisor may make grammatical changes related to the term change.

Minnesota Statutes 2022, sections 115.44, subdivision 9; 116.011; 325E.389; and 325E.3891, are repealed.

ARTICLE 4
NATURAL RESOURCES
2.16 (c) Investment transactions must be at a time and in a manner determined by the executive
director of the State Board of Investment. Decisions to withdraw money from the account
must be determined by the commissioner of natural resources, subject to the policies and
procedures of the State Board of Investment. Investment earnings must be credited to the
appropriate account for financial assurance under the identified permit to mine.
2.21 (d) An account may be terminated by the commissioner of natural resources at any time,
so long as the termination is in accordance with applicable statutes and rules and any trust
fund agreement or other conditions established under the permit to mine, subject to the
policies and procedures of the State Board of Investment.

184 Section 1. Minnesota Statutes 2022, section 16A.152, subdivision 2, is amended to read:
185 Subd. 2. Additional revenues; priority. (a) If on the basis of a forecast of general fund
186 revenues and expenditures, the commissioner of management and budget determines that
187 there will be a positive unrestricted budgetary general fund balance at the close of the
188 biennium, the commissioner of management and budget must allocate money to the following
189 accounts and purposes in priority order:
190 (1) the cash flow account established in subdivision 1 until that account reaches
191 $350,000,000;
192 (2) the budget reserve account established in subdivision 1a until that account reaches
193 $2,377,399,000;
194 (3) the amount necessary to increase the aid payment schedule for school district aids
195 and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest
ten percent without exceeding the amount available and with any remaining funds
196 deposited in the budget reserve;
197 (4) the amount necessary to restore all or a portion of the net aid reductions under section
198 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75,
199 subdivision 5, by the same amount;
200 (5) the amount necessary to increase the Minnesota 21st century fund by not more than
201 the difference between $5,000,000 and the sum of the amounts credited and canceled to it
202 in the previous 12 months under Laws 2020, chapter 71, article 1, section 11, until the sum
203 of all transfers under this section and all amounts credited or canceled under Laws 2020,
204 chapter 71, article 1, section 11, equals $20,000,000; and
205 (6) the amount necessary to compensate the permanent school fund for lands in the
206 Lowland Conifer Carbon Reserve as required under section 88.85, subdivision 9; and
207 (7) for a forecast in November only, the amount remaining after the transfer under
208 clause (5) must be used to reduce the percentage of accelerated June liability sales tax
209 payments required under section 289A.20, subdivision 8, paragraph (b), until the percentage
210 equals zero; rounded to the nearest tenth of a percent; By March 15 following the November
211 forecast, the commissioner must provide the commissioner of revenue with the percentage
of accelerated June liability owed based on the reduction required by this clause. By April
15 each year, the commissioner of revenue must certify the percentage of June liability
owed by vendors based on the reduction required by this clause.
(b) The amounts necessary to meet the requirements of this section are appropriated
from the general fund within two weeks after the forecast is released or, in the case of
transfers under paragraph (a); clauses (3) and (4), as necessary to meet the appropriations
schedules otherwise established in statute.
(c) The commissioner of management and budget shall certify the total dollar amount
of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
The commissioner of education shall increase the aid payment percentage and reduce the
property tax shift percentage by these amounts and apply those reductions to the current
fiscal year and thereafter.
(b) The amounts necessary to meet the requirements of this section are appropriated
from the general fund within two weeks after the forecast is released or, in the case of
transfers under paragraph (a); clauses (3) and (4), as necessary to meet the appropriations
schedules otherwise established in statute.
(c) The commissioner of management and budget shall certify the total dollar amount
of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
The commissioner of education shall increase the aid payment percentage and reduce the
property tax shift percentage by these amounts and apply those reductions to the current
fiscal year and thereafter.
(b) The amounts necessary to meet the requirements of this section are appropriated
from the general fund within two weeks after the forecast is released or, in the case of
transfers under paragraph (a); clauses (3) and (4), as necessary to meet the appropriations
schedules otherwise established in statute.
(c) The commissioner of management and budget shall certify the total dollar amount
of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
The commissioner of education shall increase the aid payment percentage and reduce the
property tax shift percentage by these amounts and apply those reductions to the current
fiscal year and thereafter.
Sec. 2. Minnesota Statutes 2022, section 84.02, is amended by adding a subdivision to
read:
Subd. 6c. Restored prairie. "Restored prairie" means a restoration that uses at least 25
representative and biologically diverse native prairie plant species and that occurs on land
that was previously cropped or used as pasture.
Sec. 3. Minnesota Statutes 2022, section 84.0274, subdivision 6, is amended to read:
Subd. 6. State's responsibilities. When the state proposes to purchase land for natural
resources purposes, the commissioner of natural resources and, where applicable, the
commissioner of administration shall have the following responsibilities:
(1) the responsibility to deal fairly and openly with the landowner in the purchase of
property;
(2) the responsibility to refrain from discussing price with the landowner before an
appraisal has been made. In addition, the same person shall not both appraise and negotiate
for purchase of a tract of land. This paragraph does not apply to the state when discussing
with a landowner the trout stream easement payment determined under section 84.0272,
subsection 2, the native prairie bank easement payment determined under section 84.96,
subsection 5, or the Camp Ripley's Army compatible use buffer easement payment
determined under section 84.0277, subdivision 2;
(3) the responsibility to use private fee appraisers to lower the state's acquisition costs
to the greatest extent practicable; and
(4) the responsibility to acquire land in as expeditious a manner as possible. No option
shall be made for a period of greater than two months if no survey is required or for nine
months if a survey is required, unless the landowner, in writing, expressly requests a longer
period of time. Provided that, if county board approval of the transaction is required pursuant
to section 97A.145, no time limits shall apply. If the state elects not to purchase property
upon which it has an option, it shall pay the landowner $500 after the expiration of the
property.
Provided that, if county board approval of the transaction is required pursuant
to section 97A.145, no time limits shall apply. If the state elects not to purchase property
upon which it has an option, it shall pay the landowner $500 after the expiration of the
property.
option period. If the state elects to purchase the property, unless the landowner elects otherwise, payment to the landowner shall be made no later than 90 days following the state's election to purchase the property provided that the title is marketable and the owner acts expeditiously to complete the transaction.

Sec. 4. Minnesota Statutes 2022, section 84.0276, is amended to read:

84.0276 LAND TRANSFERS BY A FEDERAL AGENCY.

Before the commissioner of natural resources accepts agricultural land or a farm homestead transferred in fee by a federal agency, the commissioner must consult with the Board of Water and Soil Resources for a determination of marginal land, tillable farmland, and farm homestead. The commissioner must comply with the acquisition procedure under section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an agricultural preserve as provided in section 40A.10.

Sec. 5. Minnesota Statutes 2022, section 84.415, subdivision 3, is amended to read:

Subd. 3. Application, form. The application for license or permit shall be in quadruplicate, and shall include with each copy a legal description of the lands or waters affected, a metes and bounds description of the required right-of-way, a map showing said features, and a detailed design of any structures necessary, or in lieu thereof shall be in such other form, and include such other descriptions, maps or designs, as the commissioner may require. The commissioner may at any time order such changes or modifications respecting construction or maintenance of structures or other conditions of the license or permit as the commissioner deems necessary to protect the public health and safety.

Sec. 6. Minnesota Statutes 2022, section 84.415, subdivision 6, is amended to read:

Subd. 6. Supplemental application fee and monitoring fee. (a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees:

(i) to cover reasonable costs for reviewing an application and preparing a license, supplemental application fees as follows:

(ii) $1,750 for a public water crossing license and a supplemental application fee of $3,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license for electric power lines, cables, or conduits of 100 kilovolts or more and for main pipelines for gas, liquids, or solids in suspension;

(iii) $1,000 for a public water crossing license and $1,000 for a public lands crossing license for applications to which item (i) does not apply; and

(iv) for all applications, an additional $500 for each water crossing or land crossing in excess of two crossings; and
(2) a monitoring fee to cover the projected reasonable costs for monitoring the
construction of the utility line and preparing special terms and conditions of the license to
ensure proper construction. The commissioner must give the applicant an estimate of the
monitoring fee before the applicant submits the fee.

(b) The applicant shall pay fees under this subdivision to the commissioner of natural
resources. The commissioner shall not issue the license until the applicant has paid all fees
in full.

(c) Upon completion of construction of the improvement for which the license or permit
was issued, the commissioner shall refund the unobligated balance from the monitoring fee
revenue. The commissioner shall not return the application fees, even if the application is
withdrawn or denied.

(d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover the
costs of reviewing the applications and preparing the licenses, the commissioner shall
improve efficiencies and otherwise reduce department costs and activities to ensure the
revenue raised under paragraph (a), clause (1), are sufficient, and that no other funds are
necessary to carry out the requirements.

(d) For purposes of this subdivision:

(1) "water crossing" means each location where the proposed utility will cross a public
water between banks or shores; and

(2) "land crossing" means each quarter-quarter section or government lot where the
proposed utility will cross public land.

Sec. 7. Minnesota Statutes 2022, section 84.415, subdivision 7, is amended to read:

Subd. 7. Application fee exemption. (a) A utility license for crossing public lands or
public waters is exempt from all application fees specified in this section and in rules adopted
under this section;

(b) This subdivision does not apply to electric power lines, cables, or conduits 100
kilovolts or greater or to main pipelines for gas, liquids, or solids in suspension.

Sec. 8. Minnesota Statutes 2022, section 84.415, is amended by adding a subdivision to
read:

Subd. 9. Fees for renewing license. At the end of the license period, if both parties wish
to renew a license, the commissioner must assess the applicant for all fees in this section
as if the renewal is an application for a new license.
Sec. 2. Minnesota Statutes 2022, section 84.788, subdivision 5, is amended to read:

\[(c)\] The purchaser is subject to the penalties imposed by section 84.774 if the purchaser or a commissioner or deputy registrar temporary 21-day permit. The registration is not valid unless signed by at least one owner. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

\[(d)\] Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural resources shall prescribe.

Sec. 3. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

\[(a)\] Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary 21-day permit period. The registration is not valid unless signed by at least one owner.

\[(d)\] Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural resources shall prescribe.

Sec. 10. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

\[(a)\] Application for transfer of ownership shall be made to the commissioner or an authorized deputy registrar temporary 21-day permit to each purchaser who applies to the dealer for registration. The temporary permit must contain the dealer's identification number and phone number. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

\[(c)\] Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary 21-day permit. The registration number must be printed on a registration decal issued by the commissioner or a deputy registrar. Once issued, the registration number decal must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes at the commissioner of natural resources shall prescribe according to subdivision 3b. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary 21-day permit period. The registration is not valid unless signed by at least one owner.

\[(d)\] Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural resources shall prescribe.
requirements necessary to ensure efficient handling of registrations and registration fees.
Deputy registrars shall strictly comply with these accounting and procedural requirements.
In addition to other fees prescribed by law, an issuing fee of $4.50 is charged for each snowmobile registration renewal, duplicate or replacement registration card, and replacement decal, and an issuing fee of $7 is charged for each snowmobile registration and registration transfer issued by:
(1) a registrar or a deputy registrar and must be deposited in the manner provided in section 168.33, subdivision 2; or
(2) the commissioner and must be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 11. Minnesota Statutes 2022, section 84.82, is amended by adding a subdivision to read:
Subd. 3b. Display of registration decal. (a) A person must not operate or transport a snowmobile in the state or allow another to operate the person's snowmobile in the state unless the snowmobile has its unexpired registration decal affixed to each side of the snowmobile and the decals are legible.
(b) The registration decal must be affixed:
(1) for snowmobiles made after June 30, 1972, in the areas provided by the manufacturer under section 84.821, subdivision 2; and
(2) for all other snowmobiles, on each side of the cowling on the upper half of the snowmobile.
(c) When any previously affixed registration decal is destroyed or lost, a duplicate must be affixed in the same manner as provided in paragraph (b).

Sec. 12. Minnesota Statutes 2022, section 84.821, subdivision 2, is amended to read:
Subd. 2. Area for registration number. All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the registration number decal. This area shall be at a location and of dimensions prescribed by rule of the commissioner. A clear area must be provided on each side of the cowling with a minimum size of 3-1/2 square inches and at least 12 inches from the ground when the machine is resting on a hard surface.
Sec. 13. Minnesota Statutes 2022, section 84.84, is amended to read:

(a) Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice of the transfer or destruction or abandonment shall be given to the commissioner in such form as the commissioner shall prescribe.

(b) An application for transfer must be executed by the registered current owner and the purchaser using a bill of sale that includes the vehicle serial number.

(c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser fails to apply for transfer of ownership as provided under this subdivision. Every owner or part owner of a snowmobile shall, upon failure to give notice of destruction or abandonment, be subject to the penalties imposed by section 84.88.

Sec. 6. Minnesota Statutes 2022, section 84.84, is amended to read:

(a) Within 15 days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice of the transfer or destruction or abandonment shall be given to the commissioner in such form as the commissioner shall prescribe.

(b) An application for transfer must be executed by the registered current owner and the purchaser using a bill of sale that includes the vehicle serial number.

(c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser fails to apply for transfer of ownership as provided under this subdivision. Every owner or part owner of a snowmobile shall, upon failure to give notice of destruction or abandonment, be subject to the penalties imposed by section 84.88.

Sec. 7. Minnesota Statutes 2022, section 84.86, subdivision 1, is amended to read:

(a) With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

1. Registration of snowmobiles and display of registration numbers;
2. Use of snowmobiles as game and fish resources are affected;
3. Use of snowmobiles on public lands and waters, or on grant-in-aid trails;
4. Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles;
5. Specifications relating to snowmobile mufflers; and
6. A comprehensive snowmobile information and safety education and training program, including that includes but is not limited to the preparation and dissemination of preparing and disseminating snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course.

(b) For the purpose of administering such the program under paragraph (a), clause (6), and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The
The commissioner shall collect a fee, to include a $1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overreovers nor underreovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fees established by the commissioner, instructors may charge each person any fee paid by the instructor for the person's online training course and up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this paragraph (a), clause (6). School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(a) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of $500 or more, shall forward a written report of the accident to the commissioner on such a form as prescribed by the commissioner. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 15. Minnesota Statutes 2022, section 84.87, subdivision 1, is amended to read:

Subdivision 1. Operation on streets and highways. (a) No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of any trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) Notwithstanding any provision of paragraph (a) to the contrary:
(1) under conditions prescribed by the commissioner of transportation, the commissioner of transportation may allow two-way operation of snowmobiles on either side of the trunk highway or highway with another public street or highway or at a place where no obstruction prevents a quick and safe crossing; provided the immediate hazard; or at a safe location approved by the road enforcement agencies responsible for the streets or highways of the locations of two-way snowmobile trails authorized under this paragraph; and (2) under conditions prescribed by a local road authority as defined in section 160.02, the road authority determines that two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail; (3) the commissioner of transportation under clause (1) and the local road authority under clause (2) shall notify the commissioner of natural resources and the local law enforcement agencies responsible for the streets or highways of the locations of two-way snowmobile trails authorized under this paragraph; and (4) two-way snowmobile trails authorized under this paragraph shall be posted for two-way operation at the authorized locations.

(4) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by

House Language H2310-3  April 28, 2023 01:24 PM  Senate Language S2904-2
rules of the commissioner, reflector material of a minimum area of 16 square inches mounted
on each side forward of the handle bars, and with brakes each of which shall conform to
standards prescribed by rule of the commissioner pursuant to the authority vested in the
commissioner by section 84.86, and each of which shall be subject to approval of the
commissioner of public safety.

(e) A snowmobile may be operated upon a public street or highway other than as provided
by paragraph (c) in an emergency during the period of time when and at locations where
snow upon the roadway renders travel by automobile impractical.

(f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles
upon streets and highways, except for those relating to required equipment, and except those
which by their nature have no application. Section 169.09 applies to the operation of
snowmobiles anywhere in the state or on the ice of any boundary water of the state.

(g) Any sled, trailer, or other device being towed by a snowmobile must be equipped
with reflective materials as required by rule of the commissioner.

Sec. 16. Minnesota Statutes 2022, section 84.90, subdivision 7, is amended to read:
Subd. 7. Penalty. (a) A person violating the provisions of this section is guilty of a
misdemeanor.

(b) Notwithstanding section 609.101, subdivision 4, clause (2), the minimum fine for a
person who operates an off-highway motorcycle, off-road vehicle, all-terrain vehicle, or
snowmobile in violation of this section must not be less than the amount set forth in section
84.775.

Sec. 9. Minnesota Statutes 2022, section 84.922, subdivision 4, is amended to read:
Subd. 4. Report of transfers. (a) Application for transfer of ownership must be made
to the commissioner within 15 days of the date of transfer.

(b) An application for transfer must be executed by the registered current owner and the
purchaser using a bill of sale that includes the vehicle serial number.

(c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
fails to apply for transfer of ownership as provided under this subdivision.

Sec. 17. [84.9735] INSECTICIDES ON STATE LANDS.
A person may not use a pesticide containing an insecticide in a wildlife management
area, state park, state forest, aquatic management area, or scientific and natural area if the
insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.
Sec. 10. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

Subd. 2. Program. The commissioner of natural resources shall develop and implement a program for the Minnesota Naturalist Corps that supports state parks and trails in providing interpretation of the natural and cultural features of state parks and trails in order to enhance visitors' awareness, understanding, and appreciation of those features and encourages the wise and sustainable use of the environment.

Sec. 18. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

Subd. 2. Program. The commissioner of natural resources shall develop and implement a program for the Minnesota Naturalist Corps that supports state parks and trails in providing interpretation of the natural and cultural features of state parks and trails in order to enhance visitors' awareness, understanding, and appreciation of those features and encourages the wise and sustainable use of the environment.

Sec. 11. Minnesota Statutes 2022, section 84.992, subdivision 5, is amended to read:

Subd. 5. Eligibility. A person is eligible to enroll in the Minnesota Naturalist Corps if:

(1) is a permanent resident of the state;
(2) is a participant in an approved college internship program in a field related to natural resources, cultural history, interpretation, or conservation; and
(3) has completed at least one year of postsecondary education.

Sec. 20. Minnesota Statutes 2022, section 84D.02, subdivision 3, is amended to read:

Subd. 3. Management plan. By December 31, 2023, and every five years thereafter, the commissioner shall prepare and maintain a long-term plan, which may include specific plans for individual species and actions, for the statewide management of invasive species of aquatic plants and wild animals. The plan must address:

(1) coordinated detection and prevention of accidental introductions;
(2) coordinated dissemination of information about invasive species of aquatic plants and wild animals among resource management agencies and organizations;
(3) a coordinated public education and awareness campaign;
(4) coordinated control of selected invasive species of aquatic plants and wild animals on lands and public waters;
(5) participation by lake associations, local citizen groups, and local units of government in the development and implementation of local management efforts;
(6) a reasonable and workable inspection requirement for watercraft and equipment including those participating in organized events on the waters of the state;
(7) the closing of points of access to infested waters, if the commissioner determines it is necessary, for a total of not more than seven days during the open water season for control or eradication purposes;
maintaining public accesses on infested waters to be reasonably free of aquatic macrophytes; and
notice to travelers of the penalties for violation of laws relating to invasive species of aquatic plants and wild animals; and
the impacts of climate change on invasive species management.

Sec. 21. Minnesota Statutes 2022, section 84D.10, subdivision 3, is amended to read:
Subd. 3. Removal and confinement. (a) A conservation officer or other licensed peace officer may order:
(1) the removal of aquatic macrophytes or prohibited invasive species from water-related equipment, including decontamination using hot water or high pressure equipment when available on site, before the water-related equipment is transported or before it is placed into waters of the state;
(2) confinement of the water-related equipment at a mooring, dock, or other location until the water-related equipment is removed from the water;
(3) removal of water-related equipment from waters of the state to remove prohibited invasive species if the water has not been listed by the commissioner as being infested with that species;
(4) a prohibition on placing water-related equipment into waters of the state when the water-related equipment has aquatic macrophytes or prohibited invasive species attached in violation of subdivision 1 or when water has not been drained or the drain plug has not been removed in violation of subdivision 4; and
(5) decontamination of water-related equipment when available on site.
(b) An order for removal of prohibited invasive species under paragraph (a), clause (1), or decontamination of water-related equipment under paragraph (a), clause (5), may include tagging the water-related equipment and issuing a notice that specifies a time frame for completing the removal or decontamination and reinspection of the water-related equipment.
(c) An inspector who is not a licensed peace officer may issue orders under paragraph (a), clauses (1), (3), (4), and (5).

Sec. 22. Minnesota Statutes 2022, section 84D.15, subdivision 2, is amended to read:
Subd. 2. Receipts. Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider permits under section 84D.108, must be deposited in the invasive species account. Each year, the commissioner of management and budget must transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). Each fiscal year, the commissioner of
Sec. 23. Minnesota Statutes 2022, section 85.015, subdivision 10, is amended to read:

Subd. 10. Luce Line Trail, Hennepin, McLeod, and Meeker Counties. (a) The trail shall originate at Gleason Lake in Plymouth Village, Hennepin County, and shall follow the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake State Recreation Area.

Sec. 13. Minnesota Statutes 2022, section 85.052, subdivision 6, is amended to read:

Subd. 6. State park reservation system. (a) The commissioner may, by written order, develop reasonable reservation policies for campsites and other using camping, lodging, and day-use facilities and for tours, educational programs, seminars, events, and rentals.
The policies are exempt from the rulemaking provisions under chapter 14, and section 14.386 does not apply. (b) The revenue collected from the state park reservation fee established under subdivision 5, including interest earned, must be deposited in the state park account in the natural resources fund and is annually appropriated to the commissioner for the cost of operating the state park reservation and point-of-sale system.

Sec. 25. Minnesota Statutes 2022, section 85.055, subdivision 1, is amended to read:

Subdivision 1. Fees. (a) The fee for state park permits for:

(1) an annual use of state parks is $35;
(2) a second or subsequent vehicle state park permit is $26;
(3) a state park permit valid for one day is $7;
(4) a daily vehicle state park permit for groups is $5;
(5) an annual permit for motorcyclists is $30;
(6) an employee's state park permit is without charge; and

(b) The fees specified in this subdivision include any sales tax required by state law.

Sec. 26. Minnesota Statutes 2022, section 86B.005, is amended by adding a subdivision to read:

Subd. 11a. Other commercial operation. "Other commercial operation" means use of a watercraft for work, rather than recreation, to transport equipment, goods, and materials on public waters.

Sec. 27. [86B.30] DEFINITIONS. Subdivision 1. Applicability. The definitions in this section apply to sections 86B.30 to 86B.341.

Subd. 2. Accompanying operator. "Accompanying operator" means a person 21 years of age or older who:

(1) is in a personal watercraft or other type of motorboat;
(2) is within immediate reach of the controls of the motor; and

(3) possesses a valid operator's permit or is an exempt operator.
Subd. 3. Adult operator. “Adult operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older and who was:

(1) effective July 1, 2025, born on or after July 1, 2004;
(2) effective July 1, 2026, born on or after July 1, 2000;
(3) effective July 1, 2027, born on or after July 1, 1996; and
(4) effective July 1, 2028, born on or after July 1, 1987.

Subd. 4. Exempt operator. “Exempt operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older and who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;
(2) is not a resident of the state, is temporarily using the waters of the state for a period not to exceed 60 days, and:
(i) meets any applicable requirements of the state or country of residency; or
(ii) possesses a Canadian pleasure craft operator's card;
(3) is operating a motorboat under a dealer's license according to section 86B.405; or
(4) is operating a motorboat during an emergency.

Subd. 5. Motorboat rental business. “Motorboat rental business” means a person engaged in the business of renting or leasing motorboats, including personal watercraft, for a period not exceeding 30 days. Motorboat rental business includes a person's agents and employees but does not include a resort business.

Subd. 6. Resort business. “Resort business” means a person engaged in the business of providing lodging and recreational services to transient guests classified as a resort under section 273.13, subdivision 22 or 25. A resort business includes a person's agents and employees.

Subd. 7. Young operator. “Young operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;
(2) is not a resident of the state, is temporarily using the waters of the state for a period not to exceed 60 days, and:
(i) meets any applicable requirements of the state or country of residency; or
(ii) possesses a Canadian pleasure craft operator's card;
(3) is operating a motorboat under a dealer's license according to section 86B.405; or
(4) is operating a motorboat during an emergency.

Subd. 8. Young operator. “Young operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;
(2) is not a resident of the state, is temporarily using the waters of the state for a period not to exceed 60 days, and:
(i) meets any applicable requirements of the state or country of residency; or
(ii) possesses a Canadian pleasure craft operator's card;
(3) is operating a motorboat under a dealer's license according to section 86B.405; or
(4) is operating a motorboat during an emergency.

Subd. 9. Young operator. “Young operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;
(2) is not a resident of the state, is temporarily using the waters of the state for a period not to exceed 60 days, and:
(i) meets any applicable requirements of the state or country of residency; or
(ii) possesses a Canadian pleasure craft operator's card;
(3) is operating a motorboat under a dealer's license according to section 86B.405; or
(4) is operating a motorboat during an emergency.

Subd. 10. Young operator. “Young operator” means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;
(2) is not a resident of the state, is temporarily using the waters of the state for a period not to exceed 60 days, and:
(i) meets any applicable requirements of the state or country of residency; or
(ii) possesses a Canadian pleasure craft operator's card;
(3) is operating a motorboat under a dealer's license according to section 86B.405; or
(4) is operating a motorboat during an emergency.
Subd. 2. Issuing permit to certain young operators. The commissioner may issue a permit under this section to a person who is at least 11 years of age, but the permit is not valid until the person becomes an adult operator.

Subd. 3. Personal possession required. (a) A person who is required to have a watercraft operator's permit must have in personal possession:

(1) a valid watercraft operator's permit;

(2) a driver's license that has a valid watercraft operator's permit indicator issued under section 171.07, subdivision 20; or

(3) an identification card that has a valid watercraft operator's permit indicator issued under section 171.07, subdivision 20.

(b) A person who is required to have a watercraft operator's permit must display one of the documents described in paragraph (a) to a conservation officer or peace officer upon request.

Subd. 4. Using electronic device to display proof of permit. If a person uses an electronic device to display a document described in subdivision 3 to a conservation officer or peace officer:

(1) the officer is immune from liability for any damage to the device, unless the officer does not exercise due care in handling the device; and

(2) this does not constitute consent for the officer to access other contents on the device.

EFFECTIVE DATE. This section is effective July 1, 2025.
A young operator may operate a motorboat that is not a personal watercraft and that is powered by a motor with a factory rating of less than 75 horsepower if an accompanying operator is in the motorboat.

Subd. 3. Accompanying operators. For purposes of this section and section 169A.20, an accompanying operator, as well as the actual operator, is operating and is in physical control of a motorboat.

Subd. 4. Owners may not allow unlawful use. An owner or other person in lawful control of a motorboat may not allow the motorboat to be operated contrary to this section.

This section is effective July 1, 2025.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 30. [86B.304] WATERCRAFT SAFETY PROGRAM.

(a) The commissioner must establish a water safety course and testing program for personal watercraft and watercraft operators and must prescribe a written test as part of the course. The course must be approved by the National Association of State Boating Law Administrators and must be available online. The commissioner may allow designated water safety courses administered by third parties to meet the requirements of this paragraph and may enter into reciprocity agreements or otherwise certify boat safety education programs from other states that are substantially similar to in-state programs. The commissioner must establish a working group of interested parties to develop course content and implementation.

The course must include content on best management practices for mitigating aquatic invasive species, reducing conflicts among user groups, and limiting the ecological impacts of watercraft.

(b) The commissioner must create or designate a short boater safety examination to be administered by motorboat rental businesses, as required by section 86B.306, subdivision 3.

3. The examination developed under this paragraph must be one that can be administered electronically or on paper, at the option of the motorboat rental business administering the examination.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 31. [86B.306] MOTORBOAT RENTAL BUSINESSES.

Subdivision 1. Requirements. A motorboat rental business must not rent or lease a motorboat, including a personal watercraft, to any person for operation on waters of this state unless the renter or lessee:

(1) has a valid watercraft operator's permit or is an exempt operator; and

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 16. [86B.306] MOTORBOAT RENTAL BUSINESSES.

Subdivision 1. Requirements. A motorboat rental business must not rent or lease a motorboat, including a personal watercraft, to any person for operation on waters of this state unless the renter or lessee:

(1) has a valid watercraft operator's permit or is an exempt operator; and
Sec. 17. Minnesota Statutes 2022, section 86B.313, subdivision 4, is amended to read: Subd. 3. Summary of boating regulations; examination. (a) A motorboat rental business must provide each authorized operator a summary of the statutes and rules governing operation of motorboats and personal watercraft in the state and instructions for safe operation. (b) Each authorized operator, other than those holding a valid watercraft operator’s permit or an exempt operator, must review the summary provided under this subdivision and must take a short boater safety examination in a form approved by the commissioner before the motorboat or personal watercraft leaves the motorboat rental business premises, unless the authorized operator has taken the examination during the previous 180 days. Subd. 4. Safety equipment for personal watercraft. A motorboat rental business must provide to all persons who rent a personal watercraft, at no additional cost, a United States Coast Guard (USCG) approved wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water-skiing and any other required safety equipment. A motorboat rental business must list on each motorboat or personal watercraft and provide instruction regarding the laws and rules and the safe operation of motorboats and personal watercraft to each person renting a personal watercraft; and, upon request, shall provide instruction to a purchaser regarding: (1) the laws and rules governing personal watercraft; and (2) the safe operation of personal watercraft. Subd. 2. Authorized operators. A motorboat rental business must list on each motorboat or lease agreement the name and age of each operator who is authorized to operate the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that only listed authorized operators operate the motorboat or personal watercraft. Subd. 3. Summary of boating regulations; examination. (a) A motorboat rental business must provide each authorized operator a summary of the statutes and rules governing operation of motorboats and personal watercraft in the state and instructions for safe operation. (b) Each authorized operator must review the summary provided under this subdivision and must take a short boater safety examination in a form approved by the commissioner before the motorboat or personal watercraft leaves the motorboat rental business premises, unless the authorized operator has taken the examination during the previous 60 days. Subd. 4. Safety equipment for personal watercraft. A motorboat rental business must provide to all persons who rent a personal watercraft, at no additional cost, a United States Coast Guard (USCG) approved wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water-skiing and any other required safety equipment.
(3) shall require that a watercraft operator's permit from this state or from the operator's state of residence be shown each time a personal watercraft is rented to any person younger than age 18 and shall record the permit on the form provided by the commissioner.

(b) Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and must be made available for inspection by sheriff's deputies or conservation officers during normal business hours.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 33. Minnesota Statutes 2022, section 86B.415, subdivision 1, is amended to read: Subdivision 1. Watercraft 19 feet or less. (a) Except as provided in paragraph (b) and subdivision 1a, the fee for a watercraft license for watercraft 19 feet or less in length is $27.

(b) The watercraft license fee is:

(1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is $9.

(2) for a sailboat, 19 feet in length or less, the fee is $14.$23.

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4;

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5;

(5) for a personal watercraft, the fee is $37.50 including one offered for rent or lease, $85.

(6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses (1) to (5), the fee is $18.$36.

Sec. 34. Minnesota Statutes 2022, section 86B.415, subdivision 1a, is amended to read: Subd. 1a. Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing shells. The fee for a watercraft license for a canoe, kayak, sailboard, paddleboard, paddleboat, or rowing shell over ten feet in length is $23.

Sec. 35. Minnesota Statutes 2022, section 86B.415, subdivision 2, is amended to read: Subd. 2. Watercraft over 19 feet. Except as provided in subdivisions 1a, 3, 4, and 5, the watercraft license fee:
(1) for a watercraft more than 19 feet but less than 26 feet in length is $44.50 $113;

(2) for a watercraft 26 feet but less than 40 feet in length is $67.50 $164; and

(3) for a watercraft 40 feet in length or longer is $90 $209.

Sec. 36. Minnesota Statutes 2022, section 86B.415, subdivision 3, is amended to read:

Subd. 3. Watercraft over 19 feet for hire, commercial use. The license fee for a watercraft more than 19 feet in length for hire with an operator used primarily for charter fishing, commercial fishing, commercial passenger carrying, or other commercial operation is $75 $164 each.

Sec. 37. Minnesota Statutes 2022, section 86B.415, subdivision 4, is amended to read:

Subd. 4. Watercraft used by nonprofit corporation for teaching. The watercraft license fee for a watercraft used by a nonprofit organization for teaching boat and water safety is $4.50 $8 each.

Sec. 38. Minnesota Statutes 2022, section 86B.415, subdivision 5, is amended to read:

Subd. 5. Dealer's license. There is no separate fee for watercraft owned by a dealer under a dealer's license. The fee for a dealer's license is $67.50 $142.

Sec. 39. Minnesota Statutes 2022, section 86B.415, subdivision 7, is amended to read:

Subd. 7. Watercraft surcharge. A $10.60 $20 surcharge is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian watermilfoil in public waters and public wetlands.

Sec. 40. [88.83] EMERALD ASH BORER RESPONSE;

Subdivision 1. Purpose. The legislature finds that an epidemic of an invasive plant pest, the emerald ash borer, is occurring in Minnesota, threatening the natural environment, and generating large volumes of wood waste from ash trees. Immediate action is therefore necessary to provide funding to assist local units of government with treating, removing, and replacing ash trees in response to emerald ash borer infestations and managing the resulting wood waste and to preserve existing biomass energy infrastructure that is critical to support local and regional emerald ash borer response programs.

Subd. 2. Establishment. The commissioner must establish a program to:

(1) provide state matching grants to assist communities with treating, removing, and replacing ash trees in response to the emerald ash borer epidemic and managing wood waste, including the remains of ash trees removed in response to the epidemic; and

(2) identify and designate existing biomass energy facilities that are critical infrastructure for local and regional emerald ash borer response programs.
Subd. 3. Eligible applicants. The commissioner may award grants under this section to:

(1) local units of government, including cities, counties, regional authorities, joint powers boards, towns, and parks and recreation boards in cities of the first class that are responding or actively preparing to respond to an emerald ash borer infestation; and

(2) a Minnesota nonprofit corporation that owns a cogeneration facility that serves a St. Paul district heating and cooling system.

Subd. 4. Eligible expenditures. Local units of government are eligible for matching grants of up to 50 percent of costs incurred to properly manage, transport, process, and dispose of wood waste containing ash tree material, including reuse and higher-value applications, wood waste storage yards, and costs associated with processing wood waste into usable biomass fuel and transporting it to designated biomass energy facilities. A Minnesota nonprofit corporation that owns a biomass-fueled combined heat and power plant serving a district heating system is eligible for grants of up to $20 per ton of processed biomass fuel containing wood waste from ash trees processed in response to the emerald ash borer epidemic. The commissioner may require the nonprofit corporation to charge a fee per ton of ash tree wood waste delivered to the facility.

Subd. 5. Reporting. A nonprofit corporation receiving a grant under this section must compile a quarterly report on the volume of wood waste utilized as fuel at the facility using the same method used to compile the annual utilization of wood fuel for the Pollution Control Agency's annual emission inventory report required under Minnesota Rules, part 7019.3000, and must submit the information to the commissioner every three months beginning 120 days after the nonprofit corporation is eligible to receive grants.

Sec. 41. [88.85] LOWLAND CONIFER CARBON RESERVE.

Subdivision 1. Definition. For the purposes of this section, "lowland conifer stands" means treed wetlands that occur on mucky mineral or wet organic soils. Lowland conifer stands include black spruce, tamarack, and white cedar cover types, including stagnant stands. These cover types include three wetland forest systems:

(1) wet forest system;

(2) rich forested peatland system; and

(3) acid peatland system.

Subd. 2. Establishment. (a) The Lowland Conifer Carbon Reserve is established to mitigate climate change and protect ecologically unique areas. It includes all stands in the state forest system identified as lowland conifer stands under this section and includes the distribution of underlying peatlands associated with or adjoining each stand.

(b) By January 1, 2024, the commissioner must designate and list the areas included in the Lowland Conifer Carbon Reserve and submit a report with the designated list to the
chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources;

(c) By July 1, 2024, the commissioner must prepare maps locating the areas identified under paragraph (b); provide, to the extent possible, legal descriptions of each area; and submit the maps and legal descriptions to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources.

Subd. 3. Carbon sequestration; reports. (a) By January 1, 2025, the commissioner must prepare and submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources with a list of all stands in the Lowland Conifer Carbon Reserve that are 90 years of age or older and an estimate of the tons of carbon sequestered in the boles of the trees in these stands. The commissioner must update and submit the report to the chairs and ranking minority members every five years thereafter.

(b) By January 1, 2025, the commissioner must prepare and submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources identifying any bogs and peatlands in the Lowland Conifer Carbon Reserve and an estimate of the tons of carbon sequestered in the peat.

Subd. 4. Productive stands; report. By January 1, 2025, the commissioner must prepare and submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources with a list and map showing all productive stands in the Lowland Conifer Carbon Reserve and identify which stands were harvested within the five years preceding establishment of the Lowland Conifer Carbon Reserve. By January 15 each year thereafter, the commissioner must update the list showing the most recent harvest year and species harvested and submit the list in a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources finance and policy.

Subd. 5. Timber harvesting restrictions. (a) The commissioner may issue a timber permit to harvest a stand in the Lowland Conifer Carbon Reserve only if:

(1) the stand is less than 90 years of age; and

(2) the stand is accessible to heavy logging equipment as determined by the commissioner.

(b) For stands accessible for only part of the year, trees may be harvested only during the times the stand is accessible as determined by the commissioner.

Subd. 6. Peat harvesting restrictions. (a) A person may not harvest peat in the Lowland Conifer Carbon Reserve.

(b) This subdivision does not apply to peat harvested under a permit issued before the peat was included in the Lowland Conifer Carbon Reserve;
Subd. 7. Management. To the extent possible, the commissioner must passively manage stands in the Lowland Conifer Carbon Reserve. Regeneration of harvested stands in the Lowland Conifer Carbon Reserve must be done naturally.

Subd. 8. Drained lands. The commissioner must identify lands in the Lowland Conifer Carbon Reserve that were drained for agricultural purposes but forfeited to the state for nonpayment of taxes. The commissioner must make reasonable efforts to restore the lands to their original hydrological condition, such as blocking or filling active drain pipes, tiles, or ditches on the lands.

Subd. 9. School trust lands. The commissioner must compensate the permanent school fund for school trust lands in the Lowland Conifer Carbon Reserve. To the extent funding is available under section 16A.152, subdivision 2, and other sources, the commissioner must extinguish the school trust interest of lands as provided under section 92.83. Payments for school trust lands without commercial value must be compensated at an amount equal to $500 per acre. Payments for school trust lands with commercial value must be compensated at a rate agreed to by the commissioner and the school trust lands director for each parcel, with a parcel comprising a single stand or multiple adjoining stands.

Subd. 10. Existing contracts and legislation. Obligations, including permits, leases, and legislative directives, that are in effect before designation of the Lowland Conifer Carbon Reserve are not impacted by this section and continue until they expire or are removed.

Subd. 11. Sunset. This section expires December 31, 2099.

Sec. 42. Minnesota Statutes 2022, section 89A.03, subdivision 5, is amended to read:

Subd. 5. Membership regulation. Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059, except that a council member may be compensated at the rate of up to $125 a day.

Sec. 43. Minnesota Statutes 2022, section 90.181, subdivision 2, is amended to read:

Subd. 2. Deferred payments. (a) If the amount of the statement is not paid or the payment is not postmarked within 60 days of the statement date thereof, it shall bear, the amount shall not be required to pay interest that totals $1 or less. If the amount is not paid within 60 days, the commissioner shall place the account in the hands of the commissioner.
of revenue according to chapter 16D, who shall proceed to collect the same amount due.

When deemed in the best interests of the state, the commissioner shall take possession of the timber for which an amount is due wherever it may be found and sell the same timber informally or at public auction after giving reasonable notice.

(b) The proceeds of the sale must be applied, first, to the payment of the expenses of seizure and sale and, second, to the payment of the amount due for the timber, with interest. The surplus, if any, shall belong to the state. In case a sufficient amount is not realized to pay these amounts in full, the balance must be collected by the attorney general.

Sec. 18. Minnesota Statutes 2022, section 93.001, is amended to read:

Sec. 16. Minnesota Statutes 2022, section 97A.015, subdivision 29, is amended to read:

Subd. 29. Minnows. “Minnows” means:

(1) members of the minnow family, Cyprinidae, except carp and goldfish;
(2) members of the mudminnow family, Umbridae;
(3) members of the sucker family, Catostomidae, not over 12 inches in length;
(4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long;
(5) leeches; and
(6) tadpole madtoms (willow cats) and stonecats.
Sec. 44. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision to read:

Subd. 32b. Native swan. "Native swan" means a trumpeter swan or a tundra swan but does not include a mute swan.

Sec. 17. Minnesota Statutes 2022, section 97A.015, subdivision 51, is amended to read:

Subd. 51. Unloaded. "Unloaded" means, with reference to a firearm, without ammunition in the barrels and magazine, if the magazine is in the firearm. A muzzle-loading firearm with:

1. (1) for a flintlock ignition is unloaded if it does not have priming powder in a pan.

2. (2) for a percussion ignition is unloaded if it does not have a percussion cap on a nipple.

3. (3) for an electronic ignition system, the battery is removed and is disconnected from the firearm; and

4. (4) for an encapsulated powder charge ignition system, the primer and powder charge are removed from the firearm.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 18. Minnesota Statutes 2022, section 97A.031, is amended to read:

(a) Unless expressly allowed, a person may not wantonly waste or destroy a usable part of a protected wild animal.

(b) This section does not apply to common carp.

Sec. 19. Minnesota Statutes 2022, section 97A.045, subdivision 5, is amended to read:

(a) Except as provided in paragraph (b), the commissioner may prescribe the form of permits, licenses, and tags issued under the game and fish laws.

(b) The commissioner must offer an applicant for an angling, trapping, or hunting license, including a special permit issued under section 97A.401, the option of receiving the license in either a paper or paperless format and must provide an applicant with a paperless license unless the applicant requests a paper license. This paragraph applies to both annual and lifetime licenses. The commissioner must ensure that a person authorized to issue an annual license described in this paragraph has the ability to issue paperless licenses.

EFFECTIVE DATE. This section is effective March 1, 2026.
Sec. 47. [97A.096] DESIGNATED SWAN PROTECTION AREAS.

Designated waters within the seven-county metropolitan area that provide critical habitat for swan nesting, migration, and foraging as swan protection areas.

Subd. 2. Public notice and meeting. (a) Before the commissioner designates or removes a designation of a swan protection area, the commissioner must receive public comment and hold a public meeting in the county where the largest portion of the affected water is located.

(b) At least 90 days before the public meeting, the commissioner must post notice of the proposed designation or removal of a designation at publicly maintained access points on the affected water.

(c) Before the public meeting, the commissioner must publish notice of the meeting in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed swan protection area is located. The notice must be published at least once 30 to 60 days before the meeting and at least once seven to 30 days before the meeting.

(d) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for receiving public comments. The commissioner must send each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner must consider any public comments received in making a final decision.

(e) Designating swan protection areas or removing designations according to this subdivision is not subject to the rulemaking requirements of chapter 14, and section 14.386 does not apply.

Subd. 3. Using lead sinkers. A person may not use lead sinkers on a water designated by the commissioner as a swan protection area under subdivision 1. The commissioner must maintain a list of swan protection areas and information on the lead sinker restrictions on the department's website and in any summary of fishing regulations required under section 97A.051.

Subd. 4. Report. By January 15, 2026, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources on the implementation of this section and any recommendations.

Subd. 5. Sunset. This section expires January 1, 2027.
Sec. 19. Minnesota Statutes 2022, section 97A.126, is amended to read:

97A.126 WALK-IN ACCESS PROGRAM.

Subdivision 1. Establishment. A walk-in access program is established to provide public access to wildlife habitat on private land for hunting, bird-watching, nature photography, and similar compatible uses, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide private land hunting access.

Subd. 2. Use of enrolled lands. (a) From September 1 to May 31, a person must have a walk-in access hunter validation in possession to hunt, photograph, and watch wildlife on private lands, including agricultural lands, that are posted as being enrolled in the walk-in access program.

(b) Hunting, bird-watching, nature photography, and similar compatible uses on private lands that are posted as enrolled in the walk-in access program is allowed from one-half hour before sunrise to one-half hour after sunset.

(c) Hunter Access on private lands that are posted as enrolled in the walk-in access program is restricted to nonmotorized use, except by disabled persons with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

(d) The general provisions for use of wildlife management areas adopted under sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to use of lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than hunting according to use authorized under this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;
(2) training dogs or using dogs for activities other than hunting; and
(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. Walk-in-access hunter validation; fee. The fee for a walk-in-access hunter validation is $3.

Sec. 48. Minnesota Statutes 2022, section 97A.126, is amended to read:

97A.126 WALK-IN ACCESS PROGRAM.

Subdivision 1. Establishment. A walk-in access program is established to provide public access to wildlife habitat on private land for hunting, bird-watching, nature photography, and similar compatible uses, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide private land hunting access.

Subd. 2. Use of enrolled lands. (a) From September 1 to May 31, a person must have a walk-in access hunter validation in possession to hunt, photograph, and watch wildlife on private lands, including agricultural lands, that are posted as being enrolled in the walk-in access program.

(b) Hunting, bird-watching, nature photography, and similar compatible uses on private lands that are posted as enrolled in the walk-in access program is allowed from one-half hour before sunrise to one-half hour after sunset.

(c) Hunter Access on private lands that are posted as enrolled in the walk-in access program is restricted to nonmotorized use, except by disabled persons with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

(d) The general provisions for use of wildlife management areas adopted under sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to use of lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than hunting according to use authorized under this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;
(2) training dogs or using dogs for activities other than hunting; and
(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. Walk-in-access hunter validation; fee. The fee for a walk-in-access hunter validation is $3.
Sec. 20. Minnesota Statutes 2022, section 97A.137, subdivision 3, is amended to read:

Subd. 3. Use of motorized vehicles by disabled hunters.

The commissioner may provide an accommodation by issuing a special permit, without a fee, authorizing a hunter with a permanent physical disability to use a motorized vehicle, all terrain vehicle, other power-driven mobility device, highway licensed vehicle, all terrain vehicle, or other power-driven mobility device, as defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in wildlife management areas. To qualify for a permit under this subdivision, the disabled person must provide credible assurance to the commissioner that the device or motor boat is used because of a disability.

(1) the required hunting licenses; and

(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

Sec. 21. Minnesota Statutes 2022, section 97A.137, subdivision 5, is amended to read:

Subd. 5. Portable stands.

(a) Prior to the Saturday on or nearest September 16, a portable stand may be left overnight in a wildlife management area by a person with a valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425. Any person leaving a portable stand overnight under this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's driver's license number; or (3) the “MDNR#” license identification number issued to the licensee. The tag must be affixed to the stand in a manner that it can be read from the ground.

(b) From November 1 through December 31, a portable stand may be left overnight by a person possessing a license to take deer in a wildlife management area located in whole or in part north and west of a line described as follows:

State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89; then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid Highway 84, Beltrami County, to County Road 704; then north on County Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County State-Aid Highway 5; Roseau County; then north on County State-Aid Highway 5 to Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north on State Trunk Highway 313 to the north boundary of the state.

A person leaving a portable stand overnight under this paragraph must affix a tag with: (1) the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#” license identification number issued to the licensee. The tag must be affixed to the stand so that it can be read from the ground and must be made of a material sufficient to withstand weather conditions. A person leaving a portable stand overnight in a wildlife management area under this paragraph may not leave more than two portable stands in any one wildlife management area. Unoccupied portable stands left overnight under this paragraph may be used by any member of the public. This paragraph expires December 31, 2019.
Sec. 50. Minnesota Statutes 2022, section 97A.315, subdivision 1, is amended to read:

Subdivision 1. Criminal penalties. (a) Except as provided in paragraph (b), a person that violates a provision of section 97B.001, relating to trespass is guilty of a misdemeanor except as provided in paragraph (b).

(b) A person is guilty of a gross misdemeanor if the person:

1. knowingly disregards signs prohibiting trespass;

2. trespasses after personally being notified by the landowner or lessee not to trespass;

3. is convicted of violating this section more than once in a three-year period.

(c) Notwithstanding section 609.101, subdivision 4, clause (2), for a misdemeanor violation, the minimum fine for a person who operates an off-highway motorcycle, off-road vehicle, all-terrain vehicle, or snowmobile in violation of this section must not be less than the amount set forth in section 84.775.

Sec. 51. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

Subdivision 1. Commissioner’s authority. The commissioner may issue special permits for the activities in this section. A special permit may be issued in the form of a general permit to a governmental subdivision or to the general public to conduct one or more activities under subdivisions 2 to 9.

Subd. 9. Taking wild animals with federal incidental take permit. The commissioner must prescribe conditions for and may issue a permit to a person for taking wild animals during activities covered under a federal incidental take permit issued under section 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild animals during activities covered by a certificate of inclusion issued by the commissioner under Code of Federal Regulations, title 50, section 13.25(c).

Sec. 22. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

Subdivision 1. Commissioner’s authority. The commissioner may issue special permits for the activities in this section. A special permit may be issued in the form of a general permit to a governmental subdivision or to the general public to conduct one or more activities under subdivisions 2 to 9.

Sec. 23. Minnesota Statutes 2022, section 97A.401, is amended by adding a subdivision to read:

Subd. 9. Taking wild animals with federal incidental take permit. The commissioner must prescribe conditions for and may issue a permit to a person for taking wild animals during activities covered under a federal incidental take permit issued under section 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild animals during activities covered by a certificate of inclusion issued by the commissioner under Code of Federal Regulations, title 50, section 13.25(c).

UEH2310-2
(1) the proper paper license, if the license has been issued to and received by the person;
(2) a driver's license or Minnesota identification card that bears a valid designation of the proper lifetime license, as provided under section 171.07, subdivision 19;
(3) the proper paper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received; or
(4) electronic or other evidence satisfactory to the commissioner that the person has the proper paperless license.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer: (1) the proper paper license if the license has been issued to and received by the person; (2) a driver's license or Minnesota identification card that bears a valid designation of the proper lifetime license, as provided under section 171.07, subdivision 19; (3) the proper paper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received; or (4) electronic or other evidence satisfactory to the commissioner that the person has the proper paperless license. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) Except as provided in paragraph (a), clause clauses (2) and (4), if the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A paper license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional fee that covers the costs of producing and mailing the pictorial stamps. A pictorial turkey stamp may be purchased for a fee that covers the costs of producing and mailing the pictorial stamp. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for providing the pictorial stamps. The fees must be in an amount that does not recover significantly more or less than the cost of producing and mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.
EFFECTIVE DATE. This section is effective March 1, 2026.

Sec. 24. Minnesota Statutes 2022, section 97A.405, subdivision 5, is amended to read:

Subd. 5. Resident licenses. (a) To obtain a resident license, an individual 21 years of age or older must be a resident and:

1. possess a current Minnesota driver’s license or a valid application receipt for a driver’s license that is at least 60 days past the issuance date;
2. possess a current identification card issued by the commissioner of public safety or a valid application receipt for an identification card that is at least 60 days past the issuance date;
3. present evidence showing proof of residency in cases when clause (1) or (2) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141; or
4. possess a Tribal identification card as provided in paragraph (b).

(b) For purposes of this subdivision, "Tribal identification card" means an unexpired identification card as provided under section 171.072, paragraphs (b) and (c). The Tribal identification card:

1. must contain the enrolled Tribal member's Minnesota residence address; and
2. may be used to obtain a resident license under paragraph (a) only if the Tribal member does not have a current driver's license or state identification card in any state.
3. A person must not have applied for, purchased, or accepted a resident hunting, fishing, or trapping license issued by another state or foreign country within 60 days before applying for a resident license under this section.

Subdivision 1. Seizure. (a) An enforcement officer shall immediately seize the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds $500. Except as provided in subdivisions 2, 4, and 5, the person may not use or obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6. If the license seized under this paragraph was for a big game animal, the license seizure applies to all licenses to take big game issued to the individual. If the license seized under this paragraph was for small game animals, the license seizure applies to all licenses to take small game issued to the individual.

(b) In addition to the license seizure under paragraph (a), if the restitution value of the wild animals unlawfully taken, possessed, or transported is $1,000 or more, all other game licenses and tags issued to the individual within 60 days after the license seized under this paragraph was for a big game animal, the license seizure applies to all licenses to take big game issued to the individual. If the license seized under this paragraph was for small game animals, the license seizure applies to all licenses to take small game issued to the individual.
and fish licenses held by the person shall be immediately seized. Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take wild animals covered by a license seized under this subdivision until an action is taken under subdivision 6.

(d) The commissioner must make a means of seizing and releasing a paperless license under this section available to enforcement officers.

**EFFECTIVE DATE.** This section is effective March 1, 2026.

Sec. 25. Minnesota Statutes 2022, section 97A.421, subdivision 3, is amended to read:

(a) A person may not use a big-game license purchased before conviction, obtain a big-game license, or take big game under a lifetime license, issued under section 97A.473, for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big-game license; or

(3) the second violation within three years under the game and fish laws relating to big game.

(b) A person may not obtain any deer license or take deer under a lifetime license issued under section 97A.473 for one year after the person is convicted of hunting deer with the aid or use of bait under section 97B.328.

(c) The revocation period under paragraphs (a) and (b) doubles if the conviction is for a deer that is a trophy deer scoring higher than 170 using the scoring method established for wildlife restitution values adopted under section 97A.345.
Sec. 23. Minnesota Statutes 2022, section 97A.465, subdivision 8, is amended to read:

Subd. 8. Nonresident active members of National Guard; spouses. (a) A nonresident that is an active member of the state's National Guard may obtain a resident license to take fish or game. This subdivision paragraph does not apply to the taking of moose or elk.

(b) A nonresident that is a member of the National Guard or that is the spouse of a member of the National Guard may obtain a resident license to take fish.

(c) For purposes of this section, the term "member of the National Guard" means an active member of the state's National Guard or an active member of another state's National Guard who is temporarily stationed in this state.

Sec. 55. Minnesota Statutes 2022, section 97A.473, subdivision 2, is amended to read:

Subd. 2. Lifetime angling license; fee. (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

1. age 3 and under, $344 $413;
2. age 4 to age 15, $469 $563;
3. age 16 to age 50, $574 $689; and
4. age 51 and over, $379 $455.

Sec. 56. Minnesota Statutes 2022, section 97A.473, subdivision 2a, is amended to read:

Subd. 2a. Lifetime spearing license; fee. (a) A resident lifetime spearing license authorizes a person to take fish by spearing in the state. The license authorizes those activities authorized by the annual resident spearing license.

(b) The fees for a resident lifetime spearing license are:

1. age 3 and under, $90 $108;
2. age 4 to age 15, $124 $149;
3. age 16 to age 50, $117 $141; and
4. age 51 and over, $61 $74.

Sec. 57. Minnesota Statutes 2022, section 97A.473, subdivision 2b, is amended to read:

Subd. 2b. Lifetime angling and spearing license; fee. (a) A resident lifetime angling and spearing license authorizes a person to take fish by angling or spearing in the state. The
license authorizes those activities authorized by the annual resident angling and spearing licenses.

(b) The fees for a resident lifetime angling and spearing license are:

(1) age 3 and under, $519;

(2) age 4 to age 15, $695;

(3) age 16 to age 50, $814; and

(4) age 51 and over, $527.

Sec. 58. Minnesota Statutes 2022, section 97A.473, subdivision 5, is amended to read:

Subd. 5. Lifetime sporting license; fee. (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling and resident small-game-hunting licenses and the resident trapping license for fur-bearing animals other than wolves. The license does not include a trout-and-salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law;

(b) The fees for a resident lifetime sporting license are:

(1) age 3 and under, $573;

(2) age 4 to age 15, $779;

(3) age 16 to age 50, $1,017; and

(4) age 51 and over, $662.

Sec. 59. Minnesota Statutes 2022, section 97A.473, subdivision 5a, is amended to read:

Subd. 5a. Lifetime sporting with spearing option license; fee. (a) A resident lifetime sporting with spearing option license authorizes a person to take fish by angling or spearing and hunt and trap small game, other than wolves, in the state. The license authorizes those activities authorized by the annual resident angling; spearing; and resident small-game-hunting licenses and the resident trapping license for fur-bearing animals other than wolves. The license does not include a trout-and-salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law;

(b) The fees for a resident lifetime sporting with spearing option license are:

(1) age 3 and under, $576;

(2) age 4 to age 15, $921;

(3) age 16 to age 50, $1,153; and
(4) age 51 and over, $666 $733;  

Sec. 60. Minnesota Statutes 2022, section 97A.474, subdivision 2, is amended to read:

Subd. 2. Nonresident lifetime angling license; fee. (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required by law;  

(b) The fees for a nonresident lifetime angling license are:

(1) age 3 and under, $821 $1,068;  
(2) age 4 to age 15, $1,046 $1,360;  
(3) age 16 to age 50, $1,191 $1,549; and  
(4) age 51 and over, $794 $1,033;  

Sec. 61. Minnesota Statutes 2022, section 97A.475, subdivision 6, is amended to read:

Subd. 6. Resident fishing. Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over to take fish by angling, $25 $30;  
(2) for persons age 18 or over to take fish by angling, for a combined license for a married couple, $40 $48;  
(3) for persons age 18 or over to take fish by spearing from a dark house, $6 $8, and the person must possess an angling license;  
(4) for persons age 18 or over to take fish by angling for a 24-hour period selected by the licensee, $12 $15;  
(5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period selected by the licensee, $14 $17;  
(6) for persons age 18 or over to take fish by angling for three consecutive years, $71 $86;  
(7) for persons age 16 or over and under age 18 to take fish by angling, $6 $66;  

Sec. 62. Minnesota Statutes 2022, section 97A.475, subdivision 7, is amended to read:

Subd. 7. Nonresident fishing. (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 or over to take fish by angling, $46 $56;  

PAGE R98  
REVISOR FULL-TEXT SIDE-BY-SIDE
(2) for persons age 18 or over to take fish by angling limited to seven consecutive days selected by the licensee; $33 $51;

(3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period selected by the licensee; $31 $42;

(4) for persons age 18 or over to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, $64 $84;

(5) for persons age 18 or over to take fish by angling for a 24-hour period selected by the licensee, $14 $19;

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, $49 $66;

(7) for persons age 18 or over to take fish by spearfishing from a dark house, $12 $15; and

the person must possess an angling license; and

(8) for persons age 16 or over and under age 18 to take fish by angling, $5 $6.

(b) A $5 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clauses (5) and (8). An additional commission may not be assessed on this surcharge.

Sec. 63. Minnesota Statutes 2022, section 97A.475, subdivision 8, is amended to read:

Subd. 8. Minnesota sporting; supersports. (a) The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, $34.50 $40.50; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, $50.50 $61.50.

(b) The commissioner shall issue Minnesota supersports licenses to residents only. The licensee may take fish by angling, including trout; small game, including pheasant and waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the supersports license, including all required stamp validations is:

(1) for an individual age 18 or over, $93.50 $102.50; and

(2) for a combined license for a married couple to take fish, including the trout-and-salmon stamp validation, and for one spouse to take small game, including pheasant and waterfowl, and deer, $119.50 $137.50.

(c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according to section 97A.075, subdivisions 2, 3, and 4.
Revenue for the deer license endorsement under paragraph (b) shall be deposited according to section 97A.075, subdivision 1.

Sec. 64. Minnesota Statutes 2022, section 97A.475, subdivision 10, is amended to read:

Subd. 10. Trout-and-salmon stamp validation. The fee for a trout-and-salmon stamp validation is $12.

Sec. 65. Minnesota Statutes 2022, section 97A.475, subdivision 10a, is amended to read:

Subd. 10a. Walleye stamp validation. A person may agree to purchase a walleye stamp validation for $6.

Sec. 66. Minnesota Statutes 2022, section 97A.475, subdivision 11, is amended to read:

Subd. 11. Fish houses, dark houses, and shelters; residents. Fees for the following licenses are:

1. Annual for a fish house, dark house, or shelter that is not rented, $18.
2. Annual for a fish house, dark house, or shelter that is rented, $36.
3. Three-year for a fish house, dark house, or shelter that is not rented, $51; and
4. Three-year for a fish house, dark house, or shelter that is rented, $105.

Sec. 67. Minnesota Statutes 2022, section 97A.475, subdivision 12, is amended to read:

Subd. 12. Fish houses, dark houses, and shelters; nonresident. Fees for fish house, dark house, and shelter licenses for a nonresident are:

1. Annual, $49.
2. Seven consecutive days selected by the licensee, $28; and
3. Three-year, $145.

Sec. 68. Minnesota Statutes 2022, section 97A.475, subdivision 13, is amended to read:

Subd. 13. Netting whitefish and ciscoes for personal consumption. The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, $12.

Sec. 69. Minnesota Statutes 2022, section 97A.475, subdivision 41, is amended to read:

Subd. 41. Turtle licenses. (a) The fee for a turtle seller's license to sell turtles and to take, transport, buy, and possess turtles for sale is $250.
(b) The fee for a recreational turtle license to take, transport, and possess turtles for personal use is $25.
Sec. 70. Minnesota Statutes 2022, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. Permissible firearms and ammunition; big game and wolves. A person may take big game and wolves with a firearm only if:

(1) the rifle, shotgun, and handgun used is a caliber of at least .22 inches and has centerfire ignition;

(2) the firearm is loaded only with single projectile ammunition;

(3) the projectile used is a caliber of at least .22 inches and has a soft point or is an expanding bullet type;

(4) the muzzleloader used is incapable of being has the projectile loaded only at the breech muzzle;

(5) the smooth-bore muzzleloader used is a caliber of at least .45 inches; and

(6) the rifled muzzleloader used is a caliber of at least .40 inches.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 71. Minnesota Statutes 2022, section 97B.036, is amended to read:

97B.036 CROSSBOW HUNTING DURING FIREARMS SEASON AND ARCHERY SEASONS.

Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, or turkey by crossbow during the respective firearms and archery seasons. The transportation requirements of section 97B.051 apply to crossbows during the firearms and archery seasons. Crossbows must meet the requirements of section 97B.106. A person taking deer, bear, or turkey by crossbow under this section must have a valid license to take the respective game by firearm or bow. This section does not allow the use of a crossbow by licensed muzzleloader hunters during the muzzleloader firearms deer season under section 97B.311.

Sec. 72. Minnesota Statutes 2022, section 97B.037, is amended to read:

97B.037 CROSSBOW HUNTING; AGE 60 OR OVER.

Notwithstanding section 97B.035, subdivisions 1 and 2, a person age 60 or over may take deer, bear, turkey, or rough fish by crossbow during the respective regular archery seasons. The transportation requirements of section 97B.051 apply to crossbows during the...
Sec. 71. Minnesota Statutes 2022, section 97B.071, is amended to read:

**97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE ORANGE OR BLAZE PINK.**

(a) Except as provided in rules adopted under paragraph (b)(d), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each foot square. This section does not apply to migratory-waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (b)(d), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph does not apply to a person when in a stationary location while hunting deer by archery or when hunting small game by falconry.

(c) A person in a fabric or synthetic ground blind on public land must have:

(1) a blaze orange safety covering on the top of the blind that is visible for 360 degrees around the blind; or

(2) at least 144 square inches of blaze orange material on each side of the blind.

(d) The commissioner may, by rule, prescribe an alternative color in cases where a violation of paragraph (b) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

(e) A violation of paragraph (b) does not result in a penalty, but is punishable only by a safety warning.

Sec. 72. Minnesota Statutes 2022, section 97B.301, subdivision 6, is amended to read:

Subd. 6. Residents or nonresidents under age 18; taking either-sex deer. A resident or nonresident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of big game deer permits, bear, turkey, or rough fish season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person age 60 or over may take deer, bear, turkey, or rough fish by crossbow under this section must have a valid license to take the respective game.

EXPIRATION DATE. This section expires on June 30, 2025.
of youth either sex permits to residents or nonresidents under age 18, under the procedures provided in section 97B.305, and may give preference to residents or nonresidents under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of antlerless a deer by another member of a party under subdivision 3.

Sec. 25. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. Shotgun use area. During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 24; thence along STH 24 to Interstate Highway 94 (I-94); thence along 1-94 to County State Aid Highway (CSAH) 46, Douglas County; thence along CSAH 20 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 0, Douglas County; thence along CSAH 14 to CSAH 26; thence along CSAH 26 to CSAH 22; thence along CSAH 22 to CSAH 0, Douglas County; thence along CSAH 0 to CSAH 46, Otter Tail County; thence along CSAH 46 to CSAH 22, Otter Tail County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to CSAH 82, Otter Tail County; thence along CSAH 82 to CSAH 22, Clay County; thence along CSAH 22 to CSAH 14, Clay County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46 to CSAH 22, Otter Tail County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River; thence along the east, south, and west boundaries of the state to the point of beginning.

S2904-2

Sec. 32. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. Shotgun use area. During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 24; thence along STH 24 to Interstate Highway 94 (I-94); thence along 1-94 to County State Aid Highway (CSAH) 46, Douglas County; thence along CSAH 20 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 0, Douglas County; thence along CSAH 0 to CSAH 46, Otter Tail County; thence along CSAH 46 to CSAH 22, Otter Tail County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River; thence along the east, south, and west boundaries of the state to the point of beginning.

Consisting of Olmsted County.
Sec. 73. Minnesota Statutes 2022, section 97B.516, is amended to read:

97B.516 PLAN FOR ELK MANAGEMENT.

(a) The commissioner of natural resources must adopt an elk management plan that:

(1) recognizes the value and uniqueness of elk;

(2) provides for integrated management of an elk population in harmony with the environment; and

(3) affords optimum recreational opportunities;

(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size of the herd, including adoption or implementation of an elk management plan designed to increase an elk herd, unless the commissioner of agriculture verifies that crop and fence damages paid under section 3.7371 and attributed to the herd have not increased for at least two years.

(c) At least 60 days prior to implementing a plan to increase an elk herd, the commissioners of natural resources and agriculture must hold a joint public meeting in the county where the elk herd to be increased is located. At the meeting, the commissioners must present evidence that crop and fence damages have not increased in the prior two years and must detail the practices that will be used to reduce elk conflicts with area landowners.

Sec. 74. Minnesota Statutes 2022, section 97B.645, subdivision 9, is amended to read:

Subd. 9. No open season. There shall be no open season for wolves until after the wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking wolves but must provide opportunity for public comment.

Sec. 75. Minnesota Statutes 2022, section 97B.668, is amended to read:

97B.668 GAME BIRDS ANIMALS CAUSING DAMAGE.

Subdivision 1. Game birds causing damage. Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic waters owned or operated by the person may nonlethally scare, haze, chase, or harass game birds that are causing property damage or to protect a disease risk at any time or place that a hunting season for the game birds is not open. This section does not apply to public waters as defined under section 103G.005, subdivision 15. This section does not apply to migratory waters owned or operated by the person may nonlethally scare, haze, chase, or harass game birds that are causing property damage or to protect a disease risk at any time or place that a hunting season for the game birds is not open. This section does not apply to migratory waters as defined under section 103G.005, subdivision 15. This section does not apply to migratory...
Subd. 2. Deer and elk causing damage. (a) Notwithstanding section 97B.091, a property owner, the property owner’s immediate family member, or an agent of the property owner may nonlethally scare, haze, chase, or harass deer or elk that are causing damage to agricultural crops that are propagated under generally accepted agricultural practices.

(b) Paragraph (a) applies only:

1. in the immediate area of the crop damage; and
2. during the closed season for taking deer or elk.

(c) Paragraph (a) does not allow:

1. using poisons;
2. using dogs;
3. conduct that drives a deer or elk to the point of exhaustion;
4. activities that require a permit under section 97A.401; or
5. conduct that causes the death of or that is likely to cause the death of a deer or elk in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from actions taken under paragraph (a).

(d) A property owner or the owner's agent must report the death of a deer or elk to staff in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from actions taken under paragraph (a).

Sec. 76. [97B.673] NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME IN CERTAIN AREAS.

Subdivision 1. Nontoxic shot on wildlife management areas in farmland zone. A person may not take small game, rails, or common snipe on any wildlife management area within the farmland zone with shot other than:

1. steel shot;
2. copper-plated, nickel-plated, or zinc-plated steel shot; or
3. shot made of other nontoxic material approved by the director of the United States Fish and Wildlife Service.

Subd. 2. Farmland zone. For the purposes of this section, the farmland zone is the portion of the state that falls south and west of Minnesota Highway 70 westward from the Wisconsin border to Minnesota Highway 65 to Minnesota Highway 23 to U.S. Highway 169 at Milaca to Minnesota Highway 210 at Brainerd to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the Canadian border.
224.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 77. [97B.735] SWANS.

A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a native swan in violation of the game and fish laws is guilty of a gross misdemeanor.

Sec. 78. Minnesota Statutes 2022, section 97C.087, subdivision 2, is amended to read:

Subd. 2. Application for tag. Application for special fish management tags must be accompanied by a $5 nonrefundable application fee for each tag. A person may not make more than one tag application each calendar year. If a person makes more than one application, the person is ineligible for a special fish management tag for that calendar year after determination by the commissioner, without a hearing.

Sec. 34. Minnesota Statutes 2022, section 97C.041, is amended to read:

97C.041 COMMISSIONER MAY REMOVE ROUGH FISH AND CATFISH.

The commissioner may take rough fish, lake whitefish, and rainbow smelt with seines, nets, and other devices. The commissioner may also take catfish with seines, nets, and other devices on the Minnesota-Wisconsin boundary waters. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work.

Sec. 35. Minnesota Statutes 2022, section 97C.211, subdivision 2a, is amended to read:

Subd. 2a. Acquiring fish. (a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- designate approved sources to obtain the desired fish or fish eggs; or
- sell the fish or fish eggs from state fish hatcheries at fair market value.
Sec. 36. Minnesota Statutes 2022, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. Lines. An angler may not use more than one line, except that:

(1) two lines may be used to take fish through the ice; and

(2) the commissioner may, by rule, authorize the use of two lines in areas designated by
the commissioner in Lake Superior, and

(3) two lines may be used in the Minnesota River downstream of the Granite Falls Dam
and in the Mississippi River downstream of St. Anthony Falls.

Sec. 37. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

Subdivision 1. When use prohibited. Except as specifically authorized, a person may
not take fish with a spear from the third Monday in February to the Friday before the last
Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device
capable of taking fish from the third Monday in February through April 30.

Sec. 80. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

Subdivision 1. When use prohibited. Except as specifically authorized, a person may
not take fish with a spear from the third Monday in February to the Friday before the last
Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device
capable of taking fish from the third Monday in February through April 30.

Sec. 81. [97C.348] FELT-SOLED WADERS.

A person may not use felt-soled waders in waters of the state. For purposes of this section
"felt-soled waders" means boots or shoes that have water-absorbing material affixed to the
soles or bottoms.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 82. Minnesota Statutes 2022, section 97C.355, is amended by adding a subdivision
to read:

Subd. 9. Placing waste on ice prohibited. A person using a fish house, dark house, or
other shelter on the ice of state waters is subject to section 97C.363.

Sec. 83. [97C.363] STORING GARBAGE AND OTHER WASTE ON ICE.

Subdivision 1. Prohibition. A person using a shelter, a motor vehicle, or any other
conveyance on the ice of state waters may not deposit garbage, rubbish, cigarette filters,
debris from fireworks, offal, the body of a dead animal, litter, sewage, or any other waste
outside the shelter, motor vehicle, or conveyance unless the material is:

(1) placed in a container that is secured to the shelter, motor vehicle, or conveyance;

and

By January 15, 2024, the commissioner of natural resources, in consultation with
Minnesota Trout Unlimited and other trout stream angling organizations, must submit to
the chairs and ranking minority members of the house of representatives and senate
committees and divisions with jurisdiction over the environment and natural resources
policy recommendations for statutory and program changes to reduce the risk of aquatic
invasive species contamination in Minnesota trout streams.
(2) not placed directly on the ice or in state waters.

Subd. 2. Definition. For purposes of this section, "sewage" means excrementitious or other discharge from the bodies of human beings or animals, together with such other water as may be present;

Subd. 3. Penalty. A violation of this section is a petty misdemeanor, and a person who violates this section is subject to a civil penalty of $100 for each violation.

Sec. 84. Minnesota Statutes 2022, section 97C.371, subdivision 1, is amended to read:

Subdivision 1. Species allowed. Only rough fish, catfish, lake whitefish, cisco (tulibee), and northern pike may be taken by spearing.

Sec. 85. Minnesota Statutes 2022, section 97C.371, subdivision 2, is amended to read:

Subd. 2. Dark houses required for certain species. Catfish, lake whitefish, cisco (tulibee), and northern pike may be speared only from dark houses.

Sec. 86. Minnesota Statutes 2022, section 97C.371, subdivision 4, is amended to read:

Subd. 4. Open season. The open season for spearing through the ice is November 15 through the last Sunday in February.

Sec. 87. Minnesota Statutes 2022, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. Dates for certain species. (a) The open seasons to take fish by angling are as follows:

1. for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend through the last Sunday in February;

2. for lake trout, from January 1 through October 31;

3. for the winter season for lake trout, brown trout, brook trout, rainbow trout, and splake on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 1 through March 31;

4. for the winter season for lake trout, brown trout, brook trout, rainbow trout, and splake on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 through March 31;
for brown trout, brook trout, rainbow trout, and splake, between January 1 through October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

(6) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 42. Minnesota Statutes 2022, section 97C.515, subdivision 2, is amended to read:

Subd. 2. Permit for transportation importation. (a) A person may transport into the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued. A person must not import minnows into the state except as provided in this section:

(b) Minnows transported under this subdivision must be in a tagged container. The tag number must correspond with tag numbers listed on the minnow transportation permit.

(c) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia. The certification must disclose any incidentally isolated replicating viruses, and must be dated within the 12 months preceding transport.

(d) Minnows must be certified as healthy according to standards of the World Organisation for Animal Health or the Fish Health Section Blue Book of the American Fisheries Society.

(e) Minnows must be certified free of viral hemorrhagic septicemia, infectious hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp virus, fathead minnow inidovirus, and Heterosporis within the past 12 months.

(f) Minnows must originate from a biosecure facility that has tested negative for invasive species in the past 12 months.

(g) Only a person that holds a minnow dealer's license issued under section 97C.501, subdivision 2, may obtain a permit to import minnows.

(f) The following information must be available to the commissioner upon request for each load of imported minnows:

(1) the date minnows were imported;
Sec. 88. Minnesota Statutes 2022, section 97C.601, subdivision 1, is amended to read:

Subdivision 1. Season. The open season for frogs is May 16 through March 31. The commissioner may, by rule, establish closed seasons in specified areas.

Subdivision 1. Resident angling license required. Taking turtles; requirements. In addition to any other license required in this section, (a) A person may not take, possess, or transport turtles without a resident angling license, except as provided in subdivision 2c and a recreational turtle license.

(b) Turtles taken from the wild are for personal use only and may not be resold.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 80. Minnesota Statutes 2022, section 97C.605, subdivision 1, is amended to read:

Subd. 2c. License exemptions. (a) A person does not need a turtle seller's license or an angling license to sell turtles, except as provided under subdivision 1:

(1) when buying turtles for resale at a retail outlet;

(2) when buying a turtle at a retail outlet or restaurant;

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller or

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 26. Minnesota Statutes 2022, section 97C.605, subdivision 1, is amended to read:

Subd. 2c. License exemptions. (a) A person does not need a turtle seller's license or an angling license to sell turtles, except as provided under subdivision 1:

(1) when buying turtles for resale at a retail outlet;

(2) when buying a turtle at a retail outlet;

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller or

REVISOR FULL-TEXT SIDE-BY-SIDE
Sec. 28. Minnesota Statutes 2022, section 97C.605, subdivision 3, is amended to read:

Subd. 3. (a) A person may not take turtles by using:
   (1) explosives, drugs, poisons, lime, and other harmful substances;
   (2) traps, except as provided in paragraph (b) and rules adopted under this section;
   (3) nets other than anglers' fish landing nets;
   (4) commercial equipment, except as provided in rules adopted under this section;
   (5) firearms and ammunition;
   (6) bow and arrow or crossbow; or
   (7) spears, harpoons, or any other implements that impale turtles.
(b) Until new rules are adopted under this section, a person with a turtle seller's license may take turtles with a floating turtle trap that:
   (1) has one or more openings above the water surface that measure at least ten inches by four inches; and
   (2) has a mesh size of not less than one-half inch, bar measure.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 29. Minnesota Statutes 2022, section 97C.611, is amended to read:

Subdivision 1. Snapping turtles. A person may not possess more than three snapping turtles of the species Chelydra serpentina without a turtle seller's license. Until new rules are adopted under section 97C.605, a person may not take snapping turtles of a size less than:

1. (4) to take, possess, and rent up to 25 turtles greater than four inches in length for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles;
2. (4) if under 16 years of age, when possessing turtles. Notwithstanding any other law to the contrary, a person under the age of 16 may possess, without a license, up to three snapping or western painted turtles, provided the turtles are possessed for personal use and are within the applicable length and width requirements.

(b) A person with an aquatic farm license with a turtle endorsement or a private fish hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate turtles and turtle eggs without the licenses specified under subdivision 1.

(c) Turtles possessed under this subdivision may not be released back into the wild.

EFFECTIVE DATE. This section is effective January 1, 2024.
than ten inches wide including curvature, measured from side to side across the shell at midpoint. After new rules are adopted under section 97C.605, a person may only take snapping turtles of a size specified in the adopted rules.

Subd. 2. Western painted turtles. (a) A person may not possess more than three Western painted turtles of the species *Chrysemys picta* without a turtle seller’s license. Western painted turtles must be between 4 and 5-1/2 inches in shell length.

(b) This subdivision does not apply to persons acting under section 97C.605, subdivision 2c, and paragraph (a).

Subd. 3. Spiny softshell. A person may not possess spiny softshell turtles of the species *Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery license with a turtle endorsement.

Subd. 4. Other species. A person may not possess any other species of turtle without an aquatic farm or private fish hatchery license with a turtle endorsement or as specified under section 97C.605, subdivision 2c.

**EFFECTIVE DATE.** This section is effective January 1, 2024.

Sec. 93. Minnesota Statutes 2022, section 97C.836, is amended to read:

*97C.836 LAKE SUPERIOR LAKE TROUT; EXPANDED ASSESSMENT*  

**HARVEST.**

The commissioner shall provide for taking of lake trout by licensed commercial operators in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale. The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake Superior management zone MN-3 beginning annually in 2007 and zone MN-2 beginning annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect the lake trout population or to manage the effects of invasive species or fish disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1 through September 30, but may end earlier in the respective zones if the quotas are reached. The quotas must be reassessed at the expiration of the current ten-year Fisheries Management Plan for the Minnesota Waters of Lake Superior.

**Ecosystem harm.** "Ecosystem harm" means to change the biological community and ecology in a manner that results in loss of ecological structure or function.
Sec. 46. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision to read:

Subd. 13b. Negative impact to surface waters. "Negative impact to surface waters" means a change in hydrology sufficient to cause aquatic ecosystem harm or alter riparian uses long term.

Sec. 47. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision to read:

Subd. 15i. Sustainable diversion limit. "Sustainable diversion limit" means a maximum amount of water that can be removed directly or indirectly from a surface water body in a defined geographic area on a monthly or annual basis without causing a negative impact to the surface water body.

Sec. 48. [103G.134] ORDERS AND INVESTIGATIONS.

(a) The commissioner has the following powers and duties when acting pursuant to the enforcement provisions of this chapter:

(1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders, schedules of compliance, and stipulation agreements;

(2) to issue notices of violation;

(3) to require a person holding a permit issued under this chapter or otherwise impacting the public waters of the state without a permit issued under this chapter to:

(i) make reports;

(ii) install, use, and maintain monitoring equipment or methods;

(iii) perform tests according to methods, at locations, at intervals, and in a manner as the commissioner prescribes; and

(iv) provide other information as the commissioner may reasonably require; and

(4) to conduct investigations; issue notices, public and otherwise; and order hearings as the commissioner deems necessary or advisable to discharge duties under this chapter, including but not limited to issuing permits and authorizing an employee or agent appointed by the commissioner to conduct the investigations and other authorities cited in this section.

(b) The commissioner has the following powers and duties when acting pursuant to the enforcement provisions of this chapter:

(1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders, schedules of compliance, and stipulation agreements;

(2) to issue notices of violation;

(3) to require a person holding a permit issued under this chapter or otherwise impacting the public waters of the state without a permit issued under this chapter to:

(i) make reports;

(ii) install, use, and maintain monitoring equipment or methods;

(iii) perform tests according to methods, at locations, at intervals, and in a manner as the commissioner prescribes; and

(iv) provide other information as the commissioner may reasonably require; and

(4) to conduct investigations; issue notices, public and otherwise; and order hearings as the commissioner deems necessary or advisable to discharge duties under this chapter, including but not limited to issuing permits and authorizing an employee or agent appointed by the commissioner to conduct the investigations and other authorities cited in this section.

Sec. 49. [103G.146] DUTY OF CANDOR.
Sec. 98. [103G.146] DUTY OF CANDOR.

(a) A person must not knowingly:

(1) make a false statement of fact or fail to correct a false statement of material fact regarding any matter pertaining to this chapter;

(2) fail to disclose information that the person knows is necessary for the commissioner to make an informed decision under this chapter; or

(3) offer information that the person knows to be false.

(b) If a person has offered material information to the commissioner and the person comes to know the information is false, the person must take reasonable remedial measures to provide the accurate information.

Sec. 99. [103G.216] REPORTING FISH KILLS IN PUBLIC WATERS.

Subdivision 1. Definition. For the purposes of this section and section 103G.2165, "fish kill" means an incident resulting in the death of 25 or more fish within one linear mile of a flowing water or 25 or more fish within a square mile of a nonflowing water, excluding fish lawfully taken under the game and fish laws.

Subd. 2. Reporting requirement. A state or county staff person or official who works with natural resources or agriculture and who learns of a fish kill in public waters must report the location of the fish kill to the Minnesota state duty officer within one hour of being notified of a fish kill or within four hours of first observing the fish kill. The Minnesota state duty officer must alert the Departments of Natural Resources and Health and the Pollution Control Agency of the location of the fish kill within one hour of being notified of the fish kill.

Sec. 100. [103G.2165] DEVELOPMENT OF FISH KILL RESPONSE PROTOCOL.

Subdivision 1. Development of protocol. By October 1, 2024, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health, natural resources, and agriculture, must update the fish kill response guidance by developing a protocol. The protocol must consist of steps that state agencies responding to a report of a fish kill under section 103G.216 must take to ascertain the basis of sound scientific evidence the factors contributing to the fish kill, as well as a plan to notify the public of potential hazards. The protocol must address:

(1) the number and species of fish and other aquatic creatures to be sampled from the body of water in which the fish kill occurred;

(2) the locations from which samples described in clause (1) should be taken;

(3) offer information that the person knows to be false.

(b) If a person has offered material information to the commissioner and the person comes to know the information is false, the person must take reasonable remedial measures to provide the accurate information.

Subd. 2. Reporting requirement. A state or county staff person or official who learns of a fish kill in public waters must report the location of the fish kill to the Minnesota state duty officer within one hour of being notified of a fish kill or within four hours of first observing the fish kill. The Minnesota state duty officer must alert the Departments of Agriculture, Health, and Natural Resources and the Pollution Control Agency of the location of the fish kill within one hour of being notified of the fish kill. When a fish kill is reported, it must be posted to the FISH Monitor in the next scheduled posting.

Subdivision 1. Development of protocol. By June 30, 2024, the commissioners of agriculture, health, and natural resources and the commissioner of the Pollution Control Agency must update the fish kill response guidance by developing a protocol. The protocol must consist of steps that state agencies responding to a report of a fish kill under section 103G.216 must take to ascertain cause or of contributing factors to the fish kill based on scientific data and information gathered through investigation, as well as a communication plan to inform the public of potential hazards. The protocol must address:

(1) how to approach sampling for aquatic life in most fish kill situations;

(2) the types of locations from which samples described in clause (1) should be taken;
(3) the number and location of water samples to be taken from the body of water in which the fish kill occurred as well as tributary streams and private wells with landowner consent within a one-half-mile radius.

(4) the number and location of soil and groundwater samples to be taken to ascertain whether contaminants traveled overland or underground to reach the body of water in which the fish kill occurred;

(5) sampling other materials located near the area of the fish kill that should be done, including but not limited to vegetation and manure, that may indicate the presence of contaminants that may have contributed to the fish kill;

(6) developing a comprehensive list of contaminants, including degradation products, for which the materials sampled in clauses (3) to (5) should be tested;

(7) the appropriate concentration limits to be used in testing samples for the presence of contaminants, allowing for the possibility that the fish kill may have resulted from the interaction of two or more contaminants present at concentrations below the level associated with toxic effects resulting from exposure to each individual chemical;

(8) proper handling, storage, and treatment necessary to preserve the integrity of the samples described in this subdivision to maximize the information the samples can yield regarding the cause of the fish kill;

(9) the organs and other parts of the fish and other aquatic creatures that should be analyzed to maximize the information the samples can yield regarding the cause of the fish kill;

(10) identifying a rapid response team of interagency staff or an independent contractor with the necessary data collection equipment that can travel to the site of the fish kill to collect samples within 24 to 48 hours of the incident;

(11) a communications plan with a health-risk assessment to notify potentially impacted vegetation and manure, that may indicate the presence of contaminants that may have contributed to the fish kill;

(12) a process to identify existing rules or regulatory processes that should be reviewed and potentially revised in the fish kill investigation and report. Investigation reports for fish kills deemed unnatural must identify the probable causes and include state agency recommendations for preventing similar incidents in the future.

(3) the types of locations where water samples should be taken from the body of water in which the fish kill occurred, as well as tributary streams and private wells with landowner consent that should also be sampled.

(4) the types of locations from which soil and groundwater samples should be taken to ascertain whether contaminants traveled overland or underground to reach the body of water in which the fish kill occurred;

(5) where other sampling should occur to determine the presence of contaminants that may have contributed to the fish kill;

(6) developing a comprehensive list of contaminants, including degradation products, for which the materials sampled in clauses (3) to (5) should be tested;

(7) the appropriate concentration limits to be used in testing samples for the presence of contaminants, allowing for the possibility that the fish kill may have resulted from the interaction of two or more contaminants present at concentrations below the level associated with toxic effects resulting from exposure to each individual chemical;

(8) proper handling, storage, and treatment necessary to preserve the integrity of the samples described in this subdivision to maximize the information the samples can yield regarding the cause of the fish kill;

(9) the organs and other parts of the fish and other aquatic creatures that should be analyzed to maximize the information the samples can yield regarding the cause of the fish kill;

(10) identifying a rapid response team of interagency staff or an independent contractor with the necessary data collection equipment that can travel to the site of the fish kill to collect samples within 24 to 48 hours of the incident;

(11) a communications plan with a health-risk assessment to notify potentially impacted vegetation and manure, that may indicate the presence of contaminants that may have contributed to the fish kill;

(12) the proposed content and timing for investigation reports filed following fish kills. Investigation reports should identify the probable causes and include recommendations to prevent similar incidents in the future.

Subd. 2. Review of protocol. The Departments of Agriculture, Health, and Natural Resources and the Pollution Control Agency must post the draft protocol to their websites for a 60-day period for public review and comment. The Departments of Agriculture, Health, and Natural Resources and the Pollution Control Agency must hold one or more public informational meetings on the draft protocol. The Departments of Agriculture, Health, and
Natural Resources and the Pollution Control Agency must consider comments submitted during the public comment period before posting the final protocol to their websites.

Subd. 3. Implementation. Once the protocol has been published, the relevant state agencies must follow the protocol and must maintain data related to each fish kill response.

Subd. 2. Implementation. The commissioner of the Pollution Control Agency must submit the protocol to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources. Once the protocol has been submitted, the state agencies must follow the protocol when responding to a fish kill.

Subd. 3. Updating protocol. The relevant state agencies must follow the protocol and maintain data related to each fish kill response.

Once the protocol is in effect, investigation reports for fish kills must be posted to the EQB Monitor.

Subd. 3. Updating protocol. The parties named in subdivision 1 must review and update the protocol every five years.

Sec. 101. Minnesota Statutes 2022, section 103G.271, subdivision 6, is amended to read:
(10) $7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less than 500,000,000 gallons per year; and

(11) $8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

(b) For once-through cooling systems, a water-use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water-use permit in force at any time during the year:

(1) for nonprofit corporations and school districts, $200 per 1,000,000 gallons; and

(2) for all other users, $420 per 1,000,000 gallons.

The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is $100.

(d) For water-use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed $250,000 per year;

(2) the fee for other entities for any permitted use may not exceed:

(i) $60,000 per year for an entity holding three or fewer permits;

(ii) $90,000 per year for an entity holding four or five permits; or

(iii) $300,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed $750 per year;

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed $10,000 for its permit for water use related to the cogeneration of electricity and steam;

(5) the fee for a facility that temporarily diverts a water of the state from its natural channel to produce hydroelectric or hydromechanical power may not exceed $5,000 per year. A permit for such a facility does not count toward the number of permits held by an entity as described in this paragraph; and

(6) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water-use processing fee for a permit issued for irrigation of agricultural land is $20 for years in which:

[Note: The text is truncated here, indicating it continues on the next page.]
(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and
October 1;

(g) The commissioner shall waive the water-use permit fee for installations and projects
that use stormwater runoff or where public entities are diverting water to treat a water quality
issue and returning the water to its source without using the water for any other purpose,
unless the commissioner determines that the proposed use adversely affects surface water
or groundwater;

(h) A surcharge of $30 per million gallons in addition to the fee prescribed in
paragraph (a) shall be applied to the volume of water used in each of the months of May,
June, July, and August, and September that exceeds the volume of water used in January
for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge
for municipalities with more than one permit shall be determined based on the total
appropriations from all permits that supply a common distribution system;

Sec. 102. Minnesota Statutes 2022, section 103G.287, subdivision 2, is amended to read:

Subd. 2. Relationship to surface water resources. Groundwater appropriations that
will have negative impacts to surface waters are subject to applicable provisions in section
103G.285 may be authorized only if they avoid known negative impacts to surface waters.

If the commissioner determines that groundwater appropriations are having a negative
impact to surface waters, the commissioner may use a sustainable diversion limit or other
relevant method, tools, or information to implement measures so that groundwater
appropriations do not negatively impact the surface waters.
and administratively assessing monetary penalties for violations of sections 103G.271 and 103G.275, and any rules adopted under those sections.

(b) An order under this section may be issued to a person for water appropriation activities without a required permit or for violating the terms of a required permit.

(c) The order must be issued as provided in this section and in accordance with the plan prepared under subdivision 12.

Sec. 105. Minnesota Statutes 2022, section 103G.299, subdivision 2, is amended to read:

Subd. 2. Amount of penalty; considerations. (a) The commissioner may issue orders assessing administrative penalties based on potential for harm and deviation from compliance. For a violation that presents:

(1) a minor potential for harm and deviation from compliance, the penalty will be no more than $1,000;

(2) a moderate potential for harm and deviation from compliance, the penalty will be no more than $10,000; and

(3) a severe potential for harm and deviation from compliance, the penalty will be no more than $20,000.

(b) In determining the amount of a penalty the commissioner may consider:

(1) the gravity of the violation, including potential for, or real, damage to the public interest or natural resources of the state;

(2) the history of past violations;

(3) the number of violations;

(4) the economic benefit gained by the person by allowing or committing the violation based on data from local or state bureaus or educational institutions; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(c) For a violation after an initial violation, including a continuation of the initial violation, the commissioner must, in determining the amount of a penalty, consider the factors in paragraph (b) and the:

(1) similarity of the most recent previous violation and the violation to be penalized;

(2) time elapsed since the last violation;

(3) time elapsed since the last violation.
(3) number of previous violations; and

(4) response of the person to the most recent previous violation identified.

Sec. 106. Minnesota Statutes 2022, section 103G.299, subdivision 5, is amended to read:

Subd. 5. Penalty. (a) Except as provided in paragraph (b), if the commissioner determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the person requests review of the order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or

(2) on the 20th day after the person receives the commissioner's determination under subdivision 4, paragraph (c), if the person subject to the order has provided information to the commissioner that the commissioner determines is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation.

(b) For repeated or serious violations, the commissioner may issue an order with a penalty that is not forgiven after the corrective action is taken. The penalty is due 31 days after the order is received, unless review of the order under subdivision 6 or 7 has been sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty is received.

Sec. 107. Minnesota Statutes 2022, section 103G.299, subdivision 10, is amended to read:

Subd. 10. Cumulative remedy. The authority of the commissioner to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 108. [103G.299] PENALTIES; ENFORCEMENT.

Subdivision 1. Civil penalties. (a) The commissioner, according to section 103G.134, may issue a notice to a person who violates:

(1) this chapter;
(2) a permit issued under this chapter or a term or condition of a permit issued under this chapter;

(3) a duty under this chapter to permit an inspection, entry, or monitoring activity or a duty under this chapter to carry out an inspection or monitoring activity;

(4) a rule adopted under this chapter;

(5) a stipulation agreement, variance, or schedule of compliance entered into under this chapter; or

(6) an order issued by the commissioner under this chapter.

(b) A person issued a notice forfeits and must pay to the state a penalty, in an amount to be determined by the district court, of not more than $10,000 per day of violation.

(c) In the discretion of the district court, a defendant under this section may be required to:

(1) forfeit and pay to the state a sum that adequately compensates the state for the reasonable value of restoration, monitoring, and other expenses directly resulting from the unauthorized use of or damage to natural resources of the state; and

(2) forfeit and pay to the state an additional sum to constitute just compensation for any damage, loss, or destruction of the state’s natural resources and for other actual damages to the state caused by an unauthorized use of natural resources of the state.

(d) As a defense to damages assessed under paragraph (c), a defendant may prove that the violation was caused solely by:

(1) an act of God;

(2) an act of war;

(3) negligence on the part of the state;

(4) an act or failure to act that constitutes sabotage or vandalism; or

(5) any combination of clauses (1) to (4).

(e) The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state in Ramsey County District Court. Civil penalties and damages provided for in this subdivision may be resolved by the commissioner through a negotiated stipulation agreement according to the authority granted to the commissioner in section 103G.134.
Subd. 2. Enforcement. This chapter and rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the commissioner under this chapter or any other law for preventing, controlling, or abating damage to natural resources may be enforced by one or more of the following:

1. Criminal prosecution;
2. Action to recover civil penalties;
3. Injunction;
4. Action to compel performance; or
5. Other appropriate action according to this chapter.

Subd. 3. Injunctions. A violation of this chapter or rules, standards, orders, stipulation agreements, variances, schedules of compliance, and permits adopted or issued under this chapter constitutes a public nuisance and may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Subd. 4. Actions to compel performance. (a) In an action to compel performance of an order issued by the commissioner for any purpose related to preventing, controlling, or abating damage to natural resources under this chapter, the court may require a defendant adjudged responsible to do and perform any and all acts set forth in the commissioner's order and all things within the defendant's power that are reasonably necessary to accomplish the purposes of the order.

(b) If a municipality or its governing or managing body or any of its officers is a defendant, the court may require the municipality to exercise its powers, without regard to any limitation of a requirement for an election or referendum imposed thereon by law and without restricting the powers of the commissioner, to do any or all of the following, without limiting the generality hereof:

1. Levy taxes or special assessments;
2. Provide service or use charges;
3. Borrow money;
4. Issue bonds;
5. Employ assistance;
6. Acquire real or personal property;
7. Let contracts;
8. (1) Levy taxes or special assessments;
9. (2) Provide service or use charges;
10. (3) Borrow money;
11. (4) Issue bonds;
12. (5) Employ assistance;
13. (6) Acquire real or personal property;
14. (7) Let contracts;
Sec. 57. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read: this chapter, except for a general permit application, for each request to amend or transfer

Subd. 6.

(c) The court must grant a municipality under paragraph (b) the opportunity to determine the appropriate financial alternatives to be used to comply with the court-imposed requirements.

(d) An action brought under this subdivision must be venued in Ramsey County District Court.

Sec. 110. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read:

Subd. 6. Filing application. An application for a permit must be filed with the commissioner. If the proposed activity for which the permit is requested is within a municipality, as is within or affects a watershed district or a soil and water conservation district, or is within the boundaries of a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, a copy of the application with maps, plans, and specifications must be served on the mayor of the municipality, the secretary of the board of managers of the watershed district, and the secretary of the board of supervisors of the soil and water conservation district, or the Tribal chair of the federally recognized Indian Tribe, as applicable. For purposes of this section, "federally recognized Indian Tribe" means the Minnesota Tribal governments listed in section 10.65, subdivision 2.

29.30 (b) Proposed projects that require water in excess of 100 million gallons per year must be assessed fees to recover the costs incurred to evaluate the project and the costs incurred for environmental review. Fees collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

29.31 (c) The fee to apply for a permit to appropriate water, in addition to any fee under paragraph (b), is $150. The application fee for a permit to construct or repair a dam that is subject to a dam safety inspection, to work in public waters, or to divert waters for mining must be at least $200, but not more than $3,000. The fee for a notification to request authorization to conduct a project under a general permit, fees established under this subdivision, unless specified in paragraph (c), must comply with section 16A.1285.

29.32 (d) An action brought under this subdivision must be venued in Ramsey County District Court.
Sec. 58. Minnesota Statutes 2022, section 103G.301, subdivision 7, is amended to read:

Subd. 7. Recommendation of local units of government and federally recognized Indian Tribes.
(a) If the proposed activity for which the permit is requested is within a municipality, or is within or affects a watershed district or a soil and water conservation district, the commissioner may obtain a written recommendation of the managers of the district and the board of supervisors of the soil and water conservation district or the mayor of the municipality before issuing or denying the permit.

(b) The managers, supervisors, or mayor must file a recommendation within 30 days after receiving a copy of the application for permit.

(c) If the proposed activity for which the permit is requested is within the boundaries of a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, the federally recognized Indian Tribe may:

(1) submit recommendations to the commissioner within 30 days of receiving the application; or

(2) request Tribal consultation according to section 10.65 within 30 days of receiving the application.

(d) If Tribal consultation is requested under paragraph (c), clause (2), a permit application is not complete until after the consultation occurs or 90 days after the request for consultation is made, whichever is sooner.

Sec. 112. Minnesota Statutes 2022, section 168.1295, subdivision 1, is amended to read:

Subdivision 1. General requirements and procedures. (a) The commissioner shall issue state parks and trails plates to an applicant who:

(1) is a registered owner of a passenger automobile, recreational vehicle, one-ton pickup truck, or motorcycle;

(2) pays a fee in the amount specified for special plates under section 168.12, subdivision 5;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) contributes a minimum of $60 annually to the state parks and trails donation account established in section 85.056, and

(6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.
242.6 (b) The state parks and trails plate application must indicate that the contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the applicant may make an additional contribution to the account.

242.9 (c) State parks and trails plates may be personalized according to section 168.12, subdivision 2a.

242.11 Sec. 113. Minnesota Statutes 2022, section 171.07, is amended by adding a subdivision to read:

242.13 Subd. 20. Watercraft operator’s permit. (a) The department must maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued a watercraft operator's permit.

242.16 The records transmitted from the Department of Natural Resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

242.20 (b) After receiving information under paragraph (a) that a person has received a watercraft operator's permit, the department must include on all drivers’ licenses or Minnesota identification cards subsequently issued to the person a graphic or written indication that the person has received the permit.

242.23 (c) If a person who has received a watercraft operator's permit applies for a driver's license or Minnesota identification card before that information has been transmitted to the department, the department may accept a copy of the certificate as proof of its issuance and must then follow the procedures in paragraph (b).

242.28 EFFECTIVE DATE. This section is effective July 1, 2025.

243.1 Sec. 114. Minnesota Statutes 2022, section 297A.94, is amended to read:

243.2 297A.94 DEPOSIT OF REVENUES.

243.3 (a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

243.6 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

243.8 (1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

243.10 (2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

242.6 Sec. 63. Minnesota Statutes 2022, section 171.07, is amended by adding a subdivision to read:

242.21 Subd. 20. Watercraft operator’s permit. (a) The department must maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued a watercraft operator's permit.

242.24 The records transmitted from the Department of Natural Resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

242.28 EFFECTIVE DATE. This section is effective July 1, 2025.

243.1 Sec. 64. Minnesota Statutes 2022, section 297A.94, is amended to read:

243.2 297A.94 DEPOSIT OF REVENUES.

243.3 (a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

243.6 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

243.8 (1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

243.10 (2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.
The commissioner of management and budget shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

1. First to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and
2. After the requirements of clause (1) have been met, the balance to the general fund.

Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit in the state treasury the revenues collected under section 297A.64, subdivision 1, including interest and penalties and minus refunds, and credit them to the highway user tax distribution fund.

Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(g) The commissioner shall deposit an amount of the remittances monthly into the state treasury and credit them to the highway user tax distribution fund as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair and replacement parts in that month. The monthly deposit amount is $12,137,000. For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.
(h) Seventy-eight percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

1. Fifty percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

2. Twenty-two and one-half percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

3. Twenty-two and one-half percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

4. Three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

5. Two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.
The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

(1) 25 percent to the volunteer fire assistance grant account established under section 297I.06, subdivision 3; and
(2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and
(3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under Laws 2017, First Special Session chapter 1, article 3, section 39.

The revenues deposited under paragraphs (a) to (j) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

Sec. 115. HOUSTON OHV TRAIL; REPORT.
By January 15, 2024, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources providing a brief history of the efforts to establish an off-highway vehicle trail in Houston County, the current status, and next steps.

Sec. 116. STATE PARK LICENSE PLATE DESIGN CONTEST.
The commissioner of natural resources must hold a license plate design contest to design a new state park license plate available under Minnesota Statutes, section 168.1295, subdivision 1.

Sec. 117. UPPER SIOUX AGENCY STATE PARK; LAND TRANSFER.
(a) The commissioner of natural resources must convey for no consideration all state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper Sioux Community.

Sec. 75. UPPER SIOUX AGENCY STATE PARK; LAND TRANSFER.
(a) The commissioner of natural resources must convey for no consideration all state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper Sioux Community. By September 15, 2023, the commissioner must identify all state-owned land within Upper Sioux Agency State Park and any funding restrictions or other legal restrictions.
(b) Upon approval by the Minnesota Historical Society's Executive Council, the
Minnesota Historical Society may convey for no consideration state-owned land and real
property in the Upper Sioux Agency Historic Site, as defined in Minnesota Statutes, section
138.662, subdivision 33, to the Upper Sioux Community. In cooperation with the
commissioner of natural resources, the Minnesota Historical Society must identify any
funding restrictions or other legal barriers to conveying the land.

(g) By January 15, 2024, the commissioner, in cooperation with the Minnesota Historical
Society, must submit a report to the chairs and ranking minority members of the legislative
committees with jurisdiction over environment and natural resources that identifies all
barriers to conveying land within Upper Sioux Agency State Park and recommendations
for addressing those barriers, including any legislation needed to eliminate those barriers.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 118. REQUIRED RULEMAKING.

Subd. 1. Snowmobile registration. (a) The commissioner of natural resources
must amend Minnesota Rules as follows:

(1) part 6100.5000, subpart 1, by striking the last sentence and inserting "The registration
number remains the same if renewed by July 1 following the expiration date,"; and

(2) part 6100.5700, subpart 1, item C, by striking the reference to registration numbers.

(b) The commissioner may use the good-cause exemption under Minnesota Statutes,
section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
14.388.

Subd. 2. Walk-in access program. The commissioner of natural resources must amend
Minnesota Rules, part 6230.0250, subpart 10, item A, subitem (2), to replace the word
"hunter" with "person." The commissioner may use the good cause exempt rulemaking
procedure under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
Statutes, section 14.386, does not apply.

S2904-2

Sec. 64. REGISTRATION DECAL FORMAT TRANSITION.

Separately displaying registration numbers is not required when a larger-format
registration decal as provided under Minnesota Statutes, section 84.82, subdivision 2, is
displayed according to Minnesota Statutes, section 84.82, subdivision 3b. Snowmobiles
displaying valid but older, smaller-format registration decals must display the separate

34.8 Sec. 64. REGISTRATION DECAL FORMAT TRANSITION.

Separately displaying registration numbers is not required when a larger-format
registration decal as provided under Minnesota Statutes, section 84.82, subdivision 2, is
displayed according to Minnesota Statutes, section 84.82, subdivision 3b. Snowmobiles
displaying valid but older, smaller-format registration decals must display the separate
registration numbers. Persons may obtain duplicate registration decals in the new, larger format, when available, without being required to display the separate registration numbers.

Sec. 120. REPORT ON OPTIONS FOR FUNDING ADDITIONAL LAW ENFORCEMENT ON ICE OF STATE WATERS.

By January 1, 2024, the commissioner of natural resources must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources on options for funding additional enforcement of state laws on the ice of state waters. The commissioner must work with the Minnesota Sheriffs' Association and other stakeholders in generating the report, which must include options and recommendations related to potential funding sources, funding levels, and allocation of funding between the various enforcement agencies.

Sec. 121. ENFORCEMENT OFFICER BARGAINING UNITS; REPORT.

By September 1, 2023, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources that provides a status update on the collective bargaining agreement for law enforcement supervisors in response to Laws 2022, chapter 80, section 3.

Sec. 3. LAW ENFORCEMENT SUPERVISORS TRANSITION.

(a) Until a negotiated collective bargaining agreement with an exclusive representative of the law enforcement supervisors unit is approved under Minnesota Statutes, section 3.855:

(1) state patrol supervisors, majors, captains, lieutenants and nr enforcement supervisors, and nr program managers 1, 2, 3, 4, 5, and 6 employed by the Department of Natural Resources shall remain in the commissioner's plan, managerial plan, or other applicable plan;

(2) criminal apprehension investigators supervisors special agents in charge, assistant special agents in charge, and other law enforcement supervisor peace officer positions currently in the general supervisory employees unit shall remain in the general supervisory employees unit represented by the Middle Management Association; and

Sec. 60. Minnesota Statutes 2022, section 179A.10, is amended by adding a subdivision to read:

Subd. 5. Law enforcement supervisors unit. "Unit" shall include state patrol majors, state patrol captains, state patrol lieutenants, nr district supervisors, nr program managers 1, 2, 3, and 4, Bureau of Criminal Apprehension special agent in charge, Bureau of Criminal Apprehension assistant special agent in charge, supervisory special agent for the Commerce Fraud Bureau, special agent in charge and assistant special agent in charge for the Alcohol and Gaming Enforcement Division, corrections investigation assistant director, correction investigation supervisor for the Department of Corrections, and other licensed peace officer positions currently in the general supervisory employee's unit of the Middle Management Association;

Sec. 61. Laws 2022, chapter 80, section 3, is amended to read:

Sec. 3. LAW ENFORCEMENT SUPERVISORS TRANSITION.

(a) Until a negotiated collective bargaining agreement with an exclusive representative of the law enforcement supervisors unit is approved under Minnesota Statutes, section 3.855:

(1) state patrol supervisors, majors, captains, lieutenants and nr enforcement supervisors, and nr program managers 1, 2, 3, 4, 5, and 6 employed by the Department of Natural Resources shall remain in the commissioner's plan, managerial plan, or other applicable plan;

(2) criminal apprehension investigators supervisors special agents in charge, assistant special agents in charge, and other law enforcement supervisor peace officer positions currently in the general supervisory employees unit shall remain in the general supervisory employees unit represented by the Middle Management Association; and
32.23 (3) employees in positions to be included in the law enforcement supervisors unit shall be authorized to participate in certification elections for the law enforcement supervisors unit and any negotiation and collective bargaining activities of the law enforcement supervisors unit.

32.24 (b) In assigning positions included in the law enforcement supervisors unit, employees in positions under paragraph (a), clause (2), shall have the right to remain in the general supervisory employees unit represented by the Middle Management Association. If a group of employees exercises this right, the appropriate unit for such employees shall be the general supervisory employees unit represented by the Middle Management Association, and the commissioner shall assign them to such unit.

33.1 (c) When negotiating a collective bargaining agreement for the law enforcement supervisors unit, the parties shall negotiate a provision addressing potential conflicts of interest between the job classifications related to disciplinary matters.

EFFECTIVE DATE. This section is effective the day following final enactment.

248.1 Sec. 122. REPORT ON FERAL PIGS AND MINK:

248.2 By February 15, 2024, the commissioner of natural resources, in cooperation with the Board of Animal Health and the commissioners of agriculture and health, must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over agriculture and environment and natural resources that:

248.6 (1) identifies the responsibilities of the Board of Animal Health and the commissioners of natural resources, health, and agriculture for managing feral pigs and mink;

248.8 (2) identifies any need to clarify or modify responsibilities for feral pig and mink management; and

248.10 (3) includes policy recommendations for managing feral pigs and mink to further prevent negative impacts on the environment and human health.

UEH2310-2

248.22 Sec. 71. STATUTORY AND RULE REVISIONS TO PREVENT FISH KILLS IN DRIFTLESS AREA:

248.24 By January 15, 2024, the commissioners of agriculture, health, and natural resources and the commissioner of the Pollution Control Agency must make recommendations to the legislature for statutes and rules that should be amended to prevent fish kills within the boundaries of the Department of Natural Resources Paleozoic Plateau ecological section.
Sec. 74. TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.

The commissioner of natural resources must not renew or transfer a turtle seller's license after the effective date of this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Senate Language UEH2310-2

April 28, 2023 01:24 PM
resources. The report must include recommendations for amending Minnesota Statutes to separately classify fish that are native to Minnesota and that are currently designated as rough fish and invasive fish that are currently designated as rough fish. For the purposes of this paragraph, native fish include but are not limited to bowfin (*Amia calva*), bigmouth buffalo (*Ictiobus cyprinellus*), smallmouth buffalo (*Ictiobus bubalus*), burbot (*Lota lota*), longnose gar (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*), goldeye (*Hiodon alosoides*), mooneye (*Hiodon tergisus*), white sucker (*Catostomus commersonii*), and invasive fish include but are not limited to bighead carp (*Hypophthalmichthys nobilis*), grass carp (*Ctenopharyngodon idella*), and silver carp (*Hypophthalmichthys molitrix*). This is a onetime appropriation.

By January 15, 2024, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources on state-authorized trails that:

1. identifies state trails authorized under Minnesota Statutes;
2. identifies state trails that have been built and what is left to build;
3. includes recommendations for removing any authorized trails that cannot be built; and
4. estimates the miles left to complete the authorized trail system.

Notwithstanding any other provision of law, the commissioner of natural resources may:

1. issue permits necessary for the city of Lake Elmo to construct and operate a new municipal water supply well; and

Notwithstanding any other provision of law, the commissioner of natural resources may:

1. issue permits necessary for the city of Lake Elmo to construct and operate a new municipal water supply well; and
amend existing water-use permits issued to the city of Lake Elmo to increase the authorized volume of water that may be appropriated under the permits to a level consistent with the amount anticipated to be needed each year according to a water supply plan approved by the commissioner under Minnesota Statutes, section 103G.291.

(b) Notwithstanding paragraph (a), all new and amended water-use permits issued by the commissioner to the city of Lake Elmo must contain the same water-use conservation and planning measures required by law for municipal wells located wholly or partially within the five-mile radius of White Bear Lake.

(c) This section expires June 30, 2027.

WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION

MORATORIUM

(a) Except as provided under paragraph (b), the commissioner of natural resources may not reduce the total maximum amount of groundwater use permitted under a White Bear Lake area water-use permit issued or amended before January 1, 2023.

(b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce the authorized amount of groundwater use permitted or impose additional restrictions or conditions if necessary to address emergency preparedness or other public health and safety issues as determined by the commissioner.

(c) Except as provided under paragraph (b), this section does not authorize the commissioner to reduce or eliminate water-use conservation or planning conditions imposed on municipal water appropriation permits for wells located wholly or partially within a five-mile radius of White Bear Lake.

(d) For the purposes of this section, "White Bear Lake area water-use permit" means a water-use permit authorizing the use of groundwater from one or more municipal wells located wholly or partially within a five-mile radius of White Bear Lake.

(e) This section expires June 30, 2027.

Sec. 128. WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION MORATORIUM.

(a) Except as provided under paragraph (b), the commissioner of natural resources may not reduce the total maximum amount of groundwater use permitted under a White Bear Lake area water-use permit issued or amended before January 1, 2023.

(b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce the authorized amount of groundwater use permitted or impose additional restrictions or conditions if necessary to address emergency preparedness or other public health and safety issues as determined by the commissioner.

(c) Except as provided under paragraph (b), this section does not authorize the commissioner to reduce or eliminate water-use conservation or planning conditions imposed on municipal water appropriation permits for wells located wholly or partially within a five-mile radius of White Bear Lake.

(d) For the purposes of this section, "White Bear Lake area water-use permit" means a water-use permit authorizing the use of groundwater from one or more municipal wells located wholly or partially within a five-mile radius of White Bear Lake.

(e) This section expires June 30, 2027.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 63. WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION MORATORIUM.

(a) Except as provided under paragraph (b), the commissioner of natural resources may not reduce the total maximum amount of groundwater use permitted under a White Bear Lake area water-use permit issued or amended before January 1, 2023.

(b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce the authorized amount of groundwater use permitted or impose additional restrictions or conditions if necessary to address emergency preparedness or other public health and safety issues as determined by the commissioner.

(c) Except as provided under paragraph (b), this section does not authorize the commissioner to reduce or eliminate water-use conservation or planning conditions imposed on municipal water appropriation permits for wells located wholly or partially within a five-mile radius of White Bear Lake.

(d) For the purposes of this section, "White Bear Lake area water-use permit" means a water-use permit authorizing the use of groundwater from one or more municipal wells located wholly or partially within a five-mile radius of White Bear Lake.

(e) This section expires June 30, 2027.

EFFECTIVE DATE. This section is effective the day following final enactment.

UEH2310-2

WHITE BEAR LAKE AREA WATER-USE STAKEHOLDER GROUP.

The commissioner of natural resources must convene a group of stakeholders to advise the commissioner and the legislature on options for ensuring communities in the White Bear Lake area have access to sufficient safe drinking water to allow for municipal growth while simultaneously ensuring the sustainability of surface water and groundwater sources to supply the needs of future generations. By March 1, 2024, the commissioner must report any recommendations of the stakeholder group to the chairs and ranking minority members.

UEH2310-2
of the house of representatives and senate committees and divisions with jurisdiction over
environment and natural resources.
S2904-2
35.1 Sec. 67. ANALYSIS OF CROSSBOW HUNTING’S EFFECT ON DEER
POPULATION.
35.2 By October 1, 2025, the commissioner of natural resources must submit to the chairs
and ranking minority members of the house of representatives and senate committees and
divisions with jurisdiction over the environment and natural resources an analysis of the
effect that allowing persons who are under age 60 to hunt with a crossbow during regular
archery seasons has had on the deer population in this state.
35.8 Sec. 68. REVISOR INSTRUCTION.
35.9 The revisor of statutes must renumber the subdivisions of Minnesota Statutes, section
103G.005, listed in column A to the references listed in column B. The revisor must make
necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent
with the renumbering:

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>subdivision 9b</td>
<td>subdivision 9d</td>
</tr>
<tr>
<td>subdivision 13a</td>
<td>subdivision 13c</td>
</tr>
<tr>
<td>subdivision 15b</td>
<td>subdivision 15j</td>
</tr>
</tbody>
</table>

35.12 Sec. 69. REPEALER.
35.13 (a) Minnesota Statutes 2022, sections 84.033, subdivision 3; 84.944, subdivision 3; and
97A.145, subdivision 2, are repealed.
35.14 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; 6100.5700, subpart 4; and
6115.1220, subpart 8, are repealed.
35.15 (c) Minnesota Statutes 2022, sections 86B.101; 86B.305; and 86B.313, subdivisions 2
and 5, are repealed.
35.16 (d) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.
35.17 (e) Minnesota Statutes 2022, section 97C.605, subdivisions 2, 2a, 2b, and 5, are repealed.
35.18 EFFECTIVE DATE. Paragraph (c) is effective July 1, 2022; and paragraphs (d) and
(e) are effective January 1, 2024.
35.19 EFFECTIVE DATE. Paragraph (c) is effective July 1, 2022; and paragraphs (d) and (e)
are effective January 1, 2024.

UEH2310-2
35.20 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; and 6100.5700, subpart 4,
are repealed.
35.21 (c) Minnesota Statutes 2022, sections 86B.101; 86B.305; and 86B.313, subdivisions 2
and 3, are repealed.
35.22 (d) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.
35.23 (e) Minnesota Statutes 2022, section 97C.605, subdivisions 2, 2a, 2b, and 5, are repealed.
35.24 EFFECTIVE DATE. Paragraph (c) is effective July 1, 2022; and paragraphs (d) and (e)
are effective January 1, 2024.
ARTICLE 5
WATER AND SOIL RESOURCES

Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 2, is amended to read:
Subd. 2. Voting members. (a) The members are:
(1) three county commissioners;
(2) three soil and water conservation district supervisors;
(3) three watershed district or watershed management organization representatives;
(4) three citizens who are not employed by, or the appointed or elected officials of, a state governmental office, board, or agency;
(5) one township officer;
(6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;
(7) the commissioner of agriculture;
(8) the commissioner of health;
(9) the commissioner of natural resources;
(10) the commissioner of the Pollution Control Agency; and
(11) the director of the University of Minnesota Extension Service.
(b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state with at least four members but not more than six members from the metropolitan area, as defined by section 473.121, subdivision 2.
(c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.
(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to (6), are as provided in section 15.0575, except that a member may be compensated at the rate of up to $125 a day.

Sec. 2. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:
Subd. 9. Powers and duties. (a) In addition to the powers and duties prescribed elsewhere, the board shall:

Sec. 30. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:
Subd. 9. Powers and duties. (a) In addition to the powers and duties prescribed elsewhere, the board shall:
252.19 (1) coordinate the water and soil resources planning and implementation activities of
252.20 counties, soil and water conservation districts, watershed districts, watershed management
252.21 organizations, and any other local units of government through its various authorities for
252.22 approval of local plans, administration of state grants, contracts and easements, and by other
252.23 means as may be appropriate;
252.24 (2) facilitate communication and coordination among state agencies in cooperation with
252.25 the Environmental Quality Board, and between state and local units of government, in order
252.26 to make the expertise and resources of state agencies involved in water and soil resources
252.27 management available to the local units of government to the greatest extent possible;
252.28 (3) coordinate state and local interests with respect to the study in southwestern Minnesota
252.29 under United States Code, title 16, section 1009;
252.30 (4) develop information and education programs designed to increase awareness of local
252.31 water and soil resources problems and awareness of opportunities for local government
252.32 involvement in preventing or solving them;
252.33 (5) provide a forum for the discussion of local issues and opportunities relating to water
252.34 and soil resources management;
252.35 (6) adopt an annual budget and work program that integrate the various functions and
252.36 responsibilities assigned to it by law; and
252.37 (7) report to the governor and the legislature by October 15 of each even-numbered year
252.38 with an assessment of board programs and recommendations for any program changes and
252.39 board membership changes necessary to improve state and local efforts in water and soil
252.40 resources management.
252.41 (b) The board may accept grants, gifts, donations, or contributions in money, services,
252.42 materials, or otherwise from the United States, a state agency, or other source to achieve
252.43 an authorized or delegated purpose. The board may enter into a contract or agreement
252.44 necessary or appropriate to accomplish the transfer. The board may conduct or participate
252.45 in, local, state, or federal programs or projects that have as one purpose or effect the
252.46 preservation or enhancement of water and soil resources and may enter into and administer
252.47 agreements with local governments or landowners or their designated agents as part of those
252.48 programs or projects. The board may receive and expend money to acquire conservation
252.49 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
252.50 with the Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,
252.51 or related conservation programs. The board may enter into agreements, including grant
252.52 agreements, with Tribal nations, federal agencies, higher education institutions, local
252.53 governments, and private sector organizations to carry out programs and other responsibilities
252.54 prescribed or allowed by statute.
252.55 (c) Any money received is hereby deposited in an account in a fund other than the general
252.56 fund and appropriated and dedicated for the purpose for which it is granted.
252.57 (d) The board may accept grants, gifts, donations, or contributions in money, services,
252.58 materials, or otherwise from the United States, a state agency, or other source to achieve
252.59 an authorized or delegated purpose. The board may enter into a contract or agreement
252.60 necessary or appropriate to accomplish the transfer. The board may conduct or participate
252.61 in, local, state, or federal programs or projects that have as one purpose or effect the
252.62 preservation or enhancement of water and soil resources and may enter into and administer
252.63 agreements with local governments or landowners or their designated agents as part of those
252.64 programs or projects. The board may receive and expend money to acquire conservation
252.65 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
252.66 with the Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,
252.67 or related conservation programs. The board may enter into agreements, including grant
252.68 agreements, with Tribal nations, federal agencies, higher education institutions, local
252.69 governments, and private sector organizations to carry out programs and other responsibilities
252.70 prescribed or allowed by statute.
252.71 (e) Any money received is hereby deposited in an account in a fund other than the general
252.72 fund and appropriated and dedicated for the purpose for which it is granted.

Environment, Natural Resources, Energy, and Climate
House Language H2310-3

April 28, 2023 01:24 PM
Senate Language UEH2310-2

PAGE R137
REVISOR FULL-TEXT SIDE-BY-SIDE
Sec. 3. Minnesota Statutes 2022, section 103B.101, subdivision 16, is amended to read:

Subd. 16. Water quality Conservation practices; standardized specifications. (a) The board of Water and Soil Resources shall work with state and federal agencies, Tribal Nations, academic institutions, local governments, practitioners, and stakeholders to foster mutual understanding and provide recommendations for standardized specifications for water quality and soil conservation protection and improvement practices and, projects, and systems for:

(1) erosion or sedimentation control;
(2) improvements to water quality or water quantity;
(3) habitat restoration and enhancement;
(4) energy conservation; and
(5) climate adaptation, resiliency, or mitigation.

(b) The board may convene working groups or work teams to develop information, education, and recommendations.

Sec. 32. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision to read:

Subd. 18. Guidelines for establishing and enhancing native vegetation. (a) The board must work with state and federal agencies, Tribal Nations, academic institutions, local governments, practitioners, and stakeholders to foster mutual understanding and to provide recommendations for standardized specifications to establish and enhance native vegetation to provide benefits for:

(1) water quality;
(2) soil conservation;
(3) habitat enhancement;
(4) energy conservation; and
(5) climate adaptation, resiliency, or mitigation.

(b) The board may convene working groups or work teams to develop information, education, and recommendations.

Sec. 33. Minnesota Statutes 2022, section 103B.103, is amended to read:

103B.103 EASEMENT STEWARDSHIP ACCOUNTS.

Subdivision 1. Accounts established; sources. (a) The water and soil conservation easement stewardship account and the mitigation easement stewardship account are created in the special revenue fund. The accounts consist of money credited to the accounts and
The State Board of Investment must manage the accounts to maximize long-term gain.

Subd. 2. Appropriation; purposes of accounts. Five percent of the balance on July 1 each year in the water and soil conservation easement stewardship account and five percent of the balance on July 1 each year in the mitigation easement stewardship account are annually appropriated to the board and may be spent only to cover the costs of managing easements held by the board, including costs associated with:

(1) repairing or replacing structures;
(2) monitoring;
(3) landowner contacts;
(4) records storage and management;
(5) processing landowner notices;
(6) requests for approval or amendments;
(7) enforcement; and
(8) legal services associated with easement management activities.

Subd. 3. Financial contributions. The board shall seek a financial contribution to the water and soil conservation easement stewardship account for each conservation easement acquired by the board. The board shall seek a financial contribution to cover the costs of managing the easement at a level that neither significantly overrecovers nor underrecovers the costs. In determining the amount of the financial contribution, the board shall consider:

(1) the estimated annual staff hours needed to manage the conservation easement, taking into consideration factors such as easement type, size, location, and complexity;
(2) the average hourly wages for the class or classes of state and local employees expected to manage the easement;
(3) the estimated annual travel expenses to manage the easement;
(4) the average hourly wages for the class or classes of state and local employees expected to manage the easement; and
(5) the estimated annual travel expenses to manage the easement;
The estimated annual miscellaneous costs to manage the easement, including supplies and equipment, information technology support, and aerial flyovers;

the estimated annual miscellaneous costs of legal services, including the cost to enforce the easement in the event of a violation;

the estimated annualized costs for repairing or replacing water control structures; and

(4) the expected rate of return on investments in the account.

EFFECTIVE DATE. This section is effective the day following final enactment.

(a) The Board of Water and Soil Resources may provide financial and technical assistance to plant residential landscapes and community spaces with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators with declining populations, providing additional benefits for water management, carbon sequestration, and landscape resiliency.

(b) The board must establish criteria for grants or payments awarded under this section, including solar and wind projects, pipelines, and electrical transmission corridors, to:

(1) ensure the integrity and resiliency of Minnesota landscapes; and

(2) protect habitat and water resources.

Grants or payments awarded under this section may prioritize proposals in areas identified by state and federal agencies and conservation partners for protecting high-priority natural resources and wildlife species.

(a) The Board of Water and Soil Resources may provide financial and technical assistance to plant residential landscapes and community spaces with native vegetation and pollinator-friendly forbs and legumes to promote the successful establishment of native vegetation as part of utility projects, including solar and wind projects, pipelines, and electrical transmission corridors, to:

(1) ensure the integrity and resiliency of Minnesota landscapes; and

(2) protect habitat and water resources.

Grants or payments awarded under this section may prioritize proposals in areas identified by state and federal agencies and conservation partners for protecting high-priority natural resources and wildlife species.
Sec. 36. [103B.106] HABITAT ENHANCEMENT LANDSCAPE PROGRAM.

(a) The Board of Water and Soil Resources may provide financial and technical assistance to establish or enhance areas of diverse native vegetation to:

1. support declining populations of bees, butterflies, dragonflies, birds, and other wildlife species that are essential for ecosystems and food production across conservation lands, open spaces, and natural areas; and
2. provide additional benefits for water management, carbon sequestration, and landscape and climate resiliency.

(2) The board must establish criteria for grants or payments awarded under this section. Grants or payments awarded under this section may prioritize proposals in areas identified by state and federal agencies and conservation partners as high priority for protecting endangered or threatened pollinator and other species.

(c) The board may collaborate with and enter into agreements with federal, state, and local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors to implement and promote the program.

Sec. 37. Minnesota Statutes 2022, section 103C.501, subdivision 1, is amended to read:

(c) The board may collaborate with and enter into agreements with federal, state, and local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors to implement and promote the program.

Subd. 4. The state board may allocate available funds to districts to share the cost of systems or for practices, projects, and systems:

1. The state board shall allocate cost-sharing funds for:
   a. erosion or sedimentation control; or
   b. improvements to water quality improvement that are designed to protect and improve soil and water resources, or water quantity;
   c. habitat enhancement;
   d. plant biodiversity;
   e. energy conservation; or
   f. climate adaptation, resiliency, or mitigation.

Subd. 5. Cost-sharing Use of funds. (c) The state board shall allocate cost-sharing funds to areas with high-priority erosion, sedimentation, or water quality problems or water quantity.
problems due to altered hydrology. The areas must be selected based on priorities established by the state board.

The allocated funds must be used for:

1) for conservation practices for high-priority problems, activities, including technical and financial assistance, identified in the comprehensive and annual work plan of the districts, for the technical assistance portion of the grant funds state-approved plans that are related to water and natural resources and established under chapters 103B, 103C, 103D, 103F, 103G, and 114D;

2) to leverage federal or other nonstate funds; or

3) to address high-priority needs identified in local water management plans or state-approved plans that are consistent with state board or district comprehensive and annual work plans.

The duration of the contract must, at a minimum, be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages and penalties in an amount up to 150 percent of the financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.
A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services designed only to increase land productivity.

When a district board determines that long-term maintenance of a system or practice is desirable, the district or the state board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

The state board may not furnish any financial aid assistance for practices designed only to increase land productivity.

The state board or the district board may provide the cost-sharing portion of the contract through services designed only to increase land productivity.

When a district board determines that long-term maintenance of a system or practice is desirable, the district or the state board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

The state board or the district board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

The state board or the district board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

When a district board determines that long-term maintenance of a system or practice is desirable, the district or the state board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

The state board or the district board may provide the cost-sharing portion of the contract through services designed only to increase land productivity.
complies with the watershed management plan and the provisions of this chapter, the board managers must, by order, establish the project. The establishment order must include the findings of the managers.

Sec. 15. [103E.122] DRAINAGE REGISTRY INFORMATION PORTAL.

(a) By December 31, 2023, the executive director of the Board of Water and Soil Resources must establish and permanently maintain a drainage registry information portal that includes a publicly searchable electronic database. The portal must allow a drainage authority to electronically submit information on:

1. a petitioned drainage project; and
2. a petition or order for reestablishment of records.

(b) Within ten days of appointing an engineer for a petitioned drainage project or within ten days of a finding that a record is incomplete under section 103E.101, subdivision 4a, paragraph (a), a drainage authority must file the following information with the Board of Water and Soil Resources through the registry information portal established under paragraph (a):

1. the name of the drainage authority;
2. whether the filing results from a petitioned drainage project or a petition or order for reestablishment of records;
3. the date that the petition or order was filed;
4. information for a local contact that can provide additional information; and
5. a copy of the filed petition or order.

(d) A drainage authority may not take further action on a petitioned drainage project or a petition or order for reestablishment of records until the information under paragraph (b) is available for public viewing on the registry information portal.

Sec. 16. [103F.06] SOIL HEALTH PRACTICES PROGRAM.

(a) In this section, the following terms have the meanings given:

1. "board" means the Board of Water and Soil Resources;
2. "local units of government" has the meaning given under section 103B.305.
"soil health" has the meaning given under section 103C.101, subdivision 10a.

Subd. 2. Establishment. (a) The board must administer a financial and technical support program to produce soil health practices that achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits or reduce pesticide and fertilizer use.

(b) The program must include but is not limited to no till, field borders, prairie strips, cover crops, and other practices sanctioned by the board or the United States Department of Agriculture's Natural Resources Conservation Service.

Subd. 3. Financial and technical assistance. (a) The board may provide financial and technical support to local units of government, private sector organizations, and farmers to establish soil health practices and related practices with climate and water-quality benefits.

(b) The board must establish practices and costs that are eligible for financial and technical support under this section.

Subd. 4. Program implementation. (a) The board may employ staff or enter into external agreements to implement this section.

(b) The board must assist local units of government in achieving the objectives of the program, including assessing practice standards and program effectiveness.

Subd. 5. Federal aid availability. The board must regularly review and optimize the availability of federal funds and programs to supplement or complement state and other efforts consistent with the purposes of this section.

Subd. 6. Soil health practices. The board, in consultation with the commissioner of agriculture, may cooperate with the United States Department of Agriculture, other federal and state agencies, local governments, and private sector organizations to establish soil health goals for the state that will achieve water quality, soil productivity, climate change resiliency, and carbon sequestration benefits and reduce pesticide and fertilizer use.

Sec. 17. Minnesota Statutes 2022, section 103F.505, is amended to read:

103F.505 PURPOSE AND POLICY.

(a) It is the purpose of sections 103F.505 to 103F.531 to restore certain marginal agricultural land and protect environmentally sensitive areas to

(1) enhance soil and water quality,
minimize damage to flood-prone areas;

(3) sequester carbon;

(4) support native plant, fish, and wildlife habitats; and

(5) establish perennial vegetation.

(b) It is state policy to encourage the:

(1) restoration of wetlands and riparian lands and promote the retirement

(2) restoration and protection of marginal, highly erodible land, particularly land adjacent
to public waters, drainage systems, wetlands, and locally designated priority waters; and

(3) protection of environmentally sensitive areas, including wellhead protection areas,
grasslands, peatlands, shorelands, karst geology, and forest lands in priority areas.

Sec. 18. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
to read:

Subd. 5a. Grasslands. "Grasslands" means landscapes that are or were formerly
dominated by grasses, that have a low percentage of trees and shrubs, and that provide
economic and ecosystem services such as managed grazing, wildlife habitat, carbon
sequestration, and water filtration and retention.

Sec. 19. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
to read:

Subd. 8d. Restored prairie. "Restored prairie" means a restoration that uses at least 25
representative and biologically diverse native prairie plant species and that occurs on land
that was previously cropped or used as pasture;

Sec. 20. 103F.519 REINVEST IN MINNESOTA WORKING LANDS PROGRAM.

Subdivision 1. Establishment. The board may establish and administer a reinvest in
Minnesota working lands program that is in addition to the program established under
section 103F.515. Selecting land for the program must be based on the land's potential for:

(1) protecting or improving water quality;

(2) reducing erosion;

(3) improving soil health;

(4) reducing chemical inputs;

(5) improving carbon storage; and

(6) increasing biodiversity and habitat for fish, wildlife, and native plants.

Subd. 1. Establishment. The board may establish and administer a reinvest in
Minnesota working lands program that is in addition to the program established under
section 103F.515. Selecting land for the program must be based on the land's potential for:

(1) protecting or improving water quality;

(2) reducing erosion;

(3) improving soil health;

(4) reducing chemical inputs;

(5) improving carbon storage; and

(6) increasing biodiversity and habitat for fish, wildlife, and native plants.
Subd. 2. Applicability. Section 103F.515 applies to this section except as otherwise provided in subdivisions 1, 3, and 4.

Subd. 3. Nature of property rights acquired. Notwithstanding section 103F.515, subdivision 4, paragraph (a), the board may authorize managed haying and managed livestock grazing, perennial or winter annual cover crop production, forest management, or other activities that the board determines are consistent with section 103F.505 or appropriation conditions or criteria.

Subd. 4. Payments for easements. The board must establish payment rates for acquiring easements and for related practices. The board must consider market factors as well as easement terms, including length and allowable uses, when establishing rates.

Sec. 21. Minnesota Statutes 2022, section 103G.2242, subdivision 1, is amended to read:

Subdivision 1. Rules. (a) The board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section and public waters-work permits affecting public waters wetlands under section 103G.245. These rules must address the criteria; procedure; timing; and location of acceptable replacement of wetland values and may address the state establishment and administration of a wetland banking program for public and private projects, including provisions for an in-lieu fee program; mitigating and banking other water and water-related resources; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon. Any in-lieu fee program established by the board must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

(b) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules or a comprehensive wetland protection and management plan approved under section 103G.2243.

(c) If the local government unit fails to apply the rules, or fails to implement a local comprehensive wetland protection and management plan established under section 103G.2243, the government unit is subject to penalty as determined by the board.

(d) When making a determination under rules adopted pursuant to this subdivision on whether a rare natural community will be permanently adversely affected, consideration of measures to mitigate any adverse effect on the community must be considered.

Sec. 22. REPEALER. (a) Minnesota Statutes 2022, section 103C.501, subdivisions 2 and 3, are repealed.
ARTICLE 6

FARMED CERVIDAE

Section 1. Minnesota Statutes 2022, section 13.643, subdivision 6, is amended to read:

Subd. 6. Animal premises data. (a) Except for farmed Cervidae premises location data collected and maintained under section 35.155, the following data collected and maintained by the Board of Animal Health related to registration and identification of premises and animals under chapter 35, are classified as private or nonpublic:

(1) the names and addresses;

(2) the location of the premises where animals are kept; and

(3) the identification number of the premises or the animal.

(b) Except as provided in section 347.58, subdivision 5, data collected and maintained by the Board of Animal Health under sections 347.57 to 347.64 are classified as private or nonpublic.

(c) The Board of Animal Health may disclose data collected under paragraph (a) or (b) to any person, agency, or to the public if the board determines that the access will aid in the law enforcement process or the protection of public or animal health or safety.

Sec. 2. Minnesota Statutes 2022, section 17.118, subdivision 2, is amended to read:

Subd. 2. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them:

(b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed Cervidae, Ratitae, bison, sheep, horses, and llamas.

(c) "Qualifying expenditures" means the amount spent for:

(1) the acquisition, construction, or improvement of buildings or facilities for the production of livestock or livestock products;

(2) the development of pasture for use by livestock including, but not limited to, the acquisition, development, or improvement of:

(i) lanes used by livestock that connect pastures to a central location;

(ii) watering systems for livestock on pasture including water lines, booster pumps, and well installations;

(iii) livestock stream crossing stabilization; and
(iv) fences; or

(3) the acquisition of equipment for livestock housing, confinement, feeding, and waste
management including, but not limited to, the following:

(i) freestall barns;

(ii) watering facilities;

(iii) feed storage and handling equipment;

(iv) milking parlors;

(v) robotic equipment;

(vi) scales;

(vii) milk storage and cooling facilities;

(viii) bulk tanks;

(ix) computer hardware and software and associated equipment used to monitor the
productivity and feeding of livestock;

(x) manure pumping and storage facilities;

(xi) swine farrowing facilities;

(xii) swine and cattle finishing barns;

(xiii) calving facilities;

(xiv) digesters;

(xv) equipment used to produce energy;

(xvi) on-farm processing facilities equipment;

(xvii) fences, including but not limited to farmed Cervidae perimeter fences required
under section 35.155, subdivisions 4 and 4a; and

(xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

Except for qualifying pasture development expenditures under clause (2), qualifying
expenditures only include amounts that are allowed to be capitalized and deducted under
either section 167 or 179 of the Internal Revenue Code in computing federal taxable income.
Qualifying expenditures do not include an amount paid to refinance existing debt.
the commissioner of natural resources of the escape of farmed Cervidae if the farmed Cervidae are not returned or captured by the owner within 24 hours of their escape. 

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed Cervidae that have left their enclosures if the person capturing the farmed Cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the commissioner of natural resources may destroy the escaped farmed Cervidae. The commissioner of natural resources must allow the owner to attempt to capture the escaped farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not captured by 24 hours after escape may be destroyed.

(d) A hunter licensed by the commissioner of natural resources under chapter 97A may kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner for the loss of the animal. A licensed hunter who harvests escaped farmed Cervidae under this subdivision must immediately notify the commissioner of natural resources.

(e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of natural resources must be tested for chronic wasting disease.

(f) The owner is responsible for proper disposal, as determined by the board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

(g) An owner is liable for any additional costs associated with escaped farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

The owner is responsible for proper disposal, as determined by the board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

(g) An owner is liable for any additional costs associated with escaped farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

EFFECTIVE DATE. This section is effective September 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 35.155, subdivision 4, is amended to read:

Subd. 4. Fencing. Farmed Cervidae must be confined in a manner designed to prevent escape. Except as provided in subdivision 4a, all perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae, enter into the premises by free-roaming Cervidae, and physical contact between farmed Cervidae and free-roaming Cervidae. After July 1, 2019, All new fencing installed and all fencing used to repair deficiencies must be high tensile. By December 1, 2016, All entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must repair the deficiency within a reasonable time, as determined by the Board of Animal Health, not to exceed 14 days. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee.

Subd. 4. Fencing. Farmed Cervidae must be confined in a manner designed to prevent escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae, enter into the premises by free-roaming Cervidae, and physical contact between farmed Cervidae and free-roaming Cervidae. The Board of Animal Health may determine whether the construction and maintenance of fencing is adequate under this subdivision and may compel corrective action where it determines fencing is inadequate. After July 1, 2019, All new fencing installed and all fencing used to repair deficiencies must be high tensile. By December 1, 2016, All entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must immediately repair the deficiency. All other deficiencies must be repaired within a reasonable time, as determined by the Board of Animal Health, not to exceed 14 days.
fee under subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.

EFFECTIVE DATE. This section is effective September 1, 2024.

Section 5. Minnesota Statutes 2022, section 35.155, subdivision 15, is amended to read:

Subd. 10. Mandatory registration.
(a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.
(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.
(c) The board must not allow new registrations under this section for possessing white-tailed deer. This paragraph does not prohibit a person holding a valid registration under this subdivision from selling or transferring the person's registration to a family member who resides in this state and is related to the person within the third degree of kindred according to the rules of civil law. A valid registration may be sold or transferred only once under this paragraph. Before the board approves a sale or transfer under this paragraph, the board must verify that the herd is free from chronic wasting disease and the person or eligible family member must pay a one-time transfer fee of $500 to the board.

EFFECTIVE DATE. This section is effective the day following final enactment.

Section 6. Minnesota Statutes 2022, section 35.155, subdivision 10, is amended to read:

Subd. 10. Mandatory registration.
(a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.
(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.
(c) The board must not allow new registrations under this section for possessing white-tailed deer. A valid registration may be sold or transferred only once under this paragraph. Before the board approves a sale or transfer under this paragraph, the board must verify that the herd is free from chronic wasting disease.

EFFECTIVE DATE. This section is effective the day following final enactment.
(b) Movement of farmed Cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health. A person must not move farmed white-tailed deer from a herd that tests positive for chronic wasting disease from any premises to another location.

(c) All animals from farmed Cervidae herds that are over 24 sixty months of age that die or are slaughtered must be tested for chronic wasting disease.

(d) The owner of a premises where chronic wasting disease is detected must:

(1) allow and cooperate with inspections of the premises as determined by the Board of Animal Health and Department of Natural Resources conservation officers and wildlife managers;

(2) withhold and post the fencing on the premises with biohazard signs as directed by the board; and

(3) maintain the fencing required under subdivision subdivisions 4, 4a, and 4b on the premises five ten years after the date of detection; and

(4) post the fencing on the premises with biohazard signs as directed by the board;

(5) not raise farmed Cervidae on the premises for at least ten years;

(6) before signing an agreement to sell or transfer the property, disclose in writing to the buyer or transferee the date of depopulation and the requirements incumbent upon the premises and the buyer or transferee under this paragraph; and

(7) record with the county recorder or registrar of titles, as appropriate, in the county where the premises is located a notice, in the form required by the board, that meets the recording requirements of sections 507.093 and 507.24 and includes the nearest address and the legal description of the premises, the date of detection, the date of depopulation, the landowner requirements under this paragraph, and any other information required by the board. The legal description must be the legal description of record with the county recorder or registrar of titles and must not otherwise be the real estate tax statement legal description of the premises. The notice expires and has no effect ten years after the date of detection stated in the notice. The registrar of titles must omit an expired notice from future certificates of title.

(e) An owner of farmed Cervidae that test positive for chronic wasting disease is responsible for proper disposal of the animals, as determined by the board.
Sec. 5. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to read:

Subd. 11a. Liability. (a) A herd owner is liable in a civil action to a person injured by the owner’s sale or unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. Action may be brought in a county where the farmed Cervidae are sold, delivered, or unlawfully disposed.

(b) A herd owner is liable to the state for costs associated with the owner’s unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

Sec. 6. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read: A herd owner is liable in a civil action to a person injured by the owner’s sale or unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease if the herd owner knew or reasonably should have known that the farmed Cervidae were infected with or exposed to chronic wasting disease. Action may be brought in a county where the farmed Cervidae are sold, delivered, or unlawfully disposed.

Sec. 8. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to read:

Subd. 11a. Liability. (a) A herd owner is liable in a civil action to a person injured by the owner’s sale or unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. Action may be brought in a county where the farmed Cervidae are sold, delivered, or unlawfully disposed.

(b) A herd owner is liable to the state for costs associated with the owner’s unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

Sec. 9. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read: A person may import live Cervidae or Cervidae semen into the state from a herd that is:

1. infected with or has been exposed to chronic wasting disease; or
2. from a known state or province where chronic wasting disease endemic area, as determined by the board, is present in farmed or wild Cervidae populations.

(b) A person may import live Cervidae or Cervidae semen into the state only from a herd that:

1. is not in a known located in a state or province where chronic wasting disease endemic area, as determined by the board, is present in farmed or wild Cervidae populations; and
2. has been subject to a state- or provincial-approved state- or provincial-approved chronic wasting disease monitoring program for at least three years.

(c) Cervidae or Cervidae semen imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

d) This subdivision does not apply to the interstate transfer of animals between two facilities accredited by the Association of Zoos and Aquariums.
Sec. 7. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to read:

Subd. 15. Cooperation with Board of Animal Health. The commissioner of natural resources may contract with the Board of Animal Health to administer some or all of sections 35.153 to 35.156 for farmed white-tailed deer.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 8. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to read:

Subd. 4. Notice required. The Board of Animal Health must promptly notify affected local units of government and Tribal governments when an animal in a farmed Cervidae herd tests positive for chronic wasting disease.
Sec. 10. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
read:

Subd. 5. Annual testing required. (a) Once the United States Department of Agriculture has determined that the RT-QuIC test is capable of accurately detecting chronic wasting disease in white-tailed deer, the Board of Animal Health must have each farmed white-tailed deer possessed by a person registered under section 35.155 annually tested for chronic wasting disease using a real-time quaking-induced conversion (RT-QuIC) test offered by a public or private diagnostic laboratory. Live-animal testing must consist of an ear biopsy, the collection of which must be managed by the Board of Animal Health, with each laboratory reporting RT-QuIC results to both the commissioner of natural resources and the Board of Animal Health in the form required by both agencies.

(b) If a white-tailed deer tests positive, the owner must have the animal tested a second time using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy.

(c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph (b), the owner must depopulate the premises of farmed Cervidae as required under paragraph (b).

(d) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal tested a second time using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy, and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

(e) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph (b), the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

(f) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

This section is effective July 1, 2025.
must also change the responsible agency, remove obsolete language, and make necessary
cross-reference changes consistent with section 38 and the renumbering.

ARTICLE 7

MISCELLANEOUS

Section 1. [3.8865] LEGISLATIVE WATER COMMISSION.

Subdivision 1. Establishment. The Legislative Water Commission is established.

Subd. 2. Membership. (a) The Legislative Water Commission consists of 12 members appointed as follows:

(1) six members of the senate, including three majority party members appointed by the
majority leader and three minority party members appointed by the minority leader; and

(2) six members of the house of representatives, including three majority party members
appointed by the speaker of the house and three minority party members appointed by the
minority leader.

(b) Members serve at the pleasure of the appointing authority and continue to serve until
their successors are appointed or until a member is no longer a member of the legislative
body that appointed the member to the commission. Vacancies must be filled in the same
manner as the original positions. Vacancies occurring on the commission do not affect the
authority of the remaining members of the Legislative Water Commission to carry out the
functions of the commission.

(c) Members must elect a chair, vice-chair, and other officers as determined by the
commission. The chair may convene meetings as necessary to perform the duties prescribed
by this section.

Subd. 3. Commission staffing. The Legislative Coordinating Commission must employ
staff and contract with consultants as necessary to enable the Legislative Water Commission
to carry out its duties and functions.

Subd. 4. Powers and duties. (a) The Legislative Water Commission must review water
policy reports and recommendations of the Environmental Quality Board, the Board of
Water and Soil Resources, the Pollution Control Agency, the Department of Natural
Resources, and the Metropolitan Council and other water-related reports as may be required
by law or the legislature.

(b) The commission may conduct public hearings and otherwise secure data and
comments.

(c) The commission must make recommendations as it deems proper to assist the
legislature in formulating legislation.
(d) Data or information compiled by the Legislative Water Commission or its subcommittees must be made available to the Legislative-Citizen Commission on Minnesota Resources, the Clean Water Council, and standing and interim committees of the legislature upon request of the chair of the respective commission, council, or committee.

(e) The commission must coordinate with the Clean Water Council.

Subd. 5. Compensation. Members of the commission may receive per diem and expense reimbursement incurred doing the work of the commission in the manner and amount prescribed for per diem and expense payments by the senate Committee on Rules and Administration and the house of representatives Committee on Rules and Legislative Administration.

Subd. 6. Expiration. This section expires July 1, 2028.

Sec. 2. Minnesota Statutes 2022, section 18B.01, subdivision 31, is amended to read:

Subd. 31. Unreasonable adverse effects on the environment. "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide or seed treated with pesticide.

Sec. 3. [18B.075] PESTICIDE-TREATED SEED.

A person may not use, store, handle, distribute, or dispose of seed treated with pesticide in a manner that:

(1) endangers humans, food, livestock, fish, or wildlife; or

(2) will cause unreasonable adverse effects on the environment.

Sec. 4. Minnesota Statutes 2022, section 18B.09, subdivision 2, is amended to read:

Subd. 2. Authority. (a) Statutory and home rule charter cities may enact an ordinance, which may include penalty and enforcement provisions, containing one or both of the following:

(1) the pesticide application warning information contained in subdivision 3, including their own licensing, penalty, and enforcement provisions; and

(2) the pesticide prohibition contained in subdivision 4.

(b) Statutory and home rule charter cities may not enact an ordinance that contains more restrictive pesticide application warning information than is contained in subdivision subdivisions 3 and 4.
Sec. 5. Minnesota Statutes 2022, section 18B.09, is amended by adding a subdivision to read:

Subd. 4. Application of certain pesticides prohibited. (a) A person may not apply or use a pollinator-lethal pesticide within the geographic boundaries of a city that has enacted an ordinance under subdivision 2 prohibiting such use.

(b) For purposes of this subdivision, "pollinator-lethal pesticide" means a pesticide that has a pollinator protection box on the label or labeling or a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the label or labeling.

(c) This subdivision does not apply to:

(1) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal;

(2) personal care products used to mitigate lice and bedbugs;

(3) indoor pest control products used to mitigate insects indoors, including ant bait;

(4) pesticides as used or applied by the Metropolitan Mosquito Control District for public health protection if the pesticide includes vector species on the label;

(5) wood preservative pesticides used either within a sealed steel cylinder or inside an enclosed building at a secure facility by trained technicians and pesticide-treated wood products;

(6) pesticides used or applied to control or eradicate a noxious weed designated by the commissioner under section 18.79, subdivision 13; and

(7) pesticides used or applied on land used for agricultural production and located in an area zoned for agricultural use.

(d) The commissioner must maintain a list of pollinator-lethal pesticides on the department’s website.

Sec. 6. Minnesota Statutes 2022, section 21.82, subdivision 3, is amended to read:

Subd. 3. Treated seed. For all named agricultural, vegetable, flower, or wildflower seeds which are treated, for which a separate label may be used, the label must contain:

(1) a word or statement to indicate that the seed has been treated;

(2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;
(5) a word or statement describing the process used when the treatment is not of pesticide origin; and

(6) the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning; and

(7) the caution statement, framed in a box and including a bee icon developed by the commissioner: "Planting seed treated with a neonicotinoid pesticide may negatively impact pollinator health. Please use care when handling and planting this seed" for any corn or soybean seed treated with a neonicotinoid pesticide.

Sec. 7. Minnesota Statutes 2022, section 21.86, subdivision 2, is amended to read:

Subd. 2. Miscellaneous violations. No person may:

(a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83; alter or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83; or alter or falsify any seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, variety, history, quality, or origin of the seed;

(b) hinder or obstruct in any way any authorized person in the performance of duties under sections 21.80 to 21.92;

(c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(d) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(e) use the word "trace" as a substitute for any statement which is required;

(f) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed;

(g) advertise or sell seed containing patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety of seed;

(h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid pesticide;
Sec. 8. [211.915] PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER GUIDANCE REQUIRED.

(a) The commissioner, in consultation with the commissioner of the Pollution Control Agency, must develop and maintain consumer guidance regarding the proper use and disposal of seed treated with pesticide.

(b) A person selling seed treated with pesticide at retail must post in a conspicuous location the guidance developed by the commissioner under paragraph (a).

Sec. 9. Minnesota Statutes 2022, section 85A.01, subdivision 1, is amended to read:

Subdivision 1. Creation. (a) The Minnesota Zoological Garden is established under the supervision and control of the Minnesota Zoological Board. The board consists of 30 public and private sector members having a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen members shall be appointed by the board after consideration of a list supplied by board members serving on a nominating committee, and 15 members shall be appointed by the governor. One member of the board must be a resident of Dakota County and shall be appointed by the governor after consideration of the recommendation of the Dakota County Board. Board appointees shall not be subject to the advice and consent of the senate.

(b) To the extent possible, the board and governor shall appoint members who are residents of the various geographic regions of the state. Terms, compensation, and removal of members are as provided in section 15.0575, except that a member may be compensated at the rate of up to $125 a day. In making appointments, the governor and board shall utilize the appointment process as provided under section 15.0597 and consider, among other factors, the ability of members to garner support for the Minnesota Zoological Garden.

(c) A member of the board may not be an employee of or have a direct or immediate family financial interest in a business that provides goods or services to the zoo. A member of the board may not be an employee of the zoo.

Sec. 10. Minnesota Statutes 2022, section 373.475, is amended to read:

(a) Notwithstanding the provisions of chapter 282 and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, and except as otherwise provided in this section, a county board must deposit the money received from the sale of land under Laws 1998, chapter 389, article 16; section 31; subdivision 3; into an environmental trust fund established by the county under this section. The principal from the sale of the land may not be expended, and the county board may spend interest earned on the principal only for purposes related to the improvement of natural resources. To the extent money received from the sale is attributable to tax-forfeited land from another county,
278.11 the money must be deposited in an environmental trust fund established under this section by that county board.

278.12 (b) Notwithstanding paragraph (a), St. Louis County may use up to 50 percent of the principal in an environmental trust fund established under this section for economic development and environmental projects within the county that protect the environment or create clean economy jobs and manufacturing.

278.13 (c) St. Louis County may use up to 50 percent of the principal in an environmental trust fund established under this section for economic development and environmental projects within the county that protect the environment or create clean economy jobs and manufacturing.

278.14 (b) Notwithstanding paragraph (a), St. Louis County may use up to 50 percent of the principal in an environmental trust fund established under this section for economic development and environmental projects within the county that protect the environment or create clean economy jobs and manufacturing.

278.15 (b) By October 1, 2024, St. Louis County must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment on how this section was implemented or how the county plans to implement it.

278.16 Sec. 11. [473.5491] METROPOLITAN CITIES INFLOW AND INFILTRATION GRANTS.

278.17 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given:

278.18 (b) "Affordability criteria" means an inflow and infiltration project service area that is located, in whole or in part, in a census tract where at least three of the following apply as determined using the most recently published data from the United States Census Bureau or United States Centers for Disease Control and Prevention:

278.19 (1) 20 percent or more of the residents have income below the federal poverty thresholds;

278.20 (2) the tract has a United States Centers for Disease Control and Prevention Social Vulnerability Index greater than 0.80;

278.21 (3) the upper limit of the lowest quintile of household income is less than the state upper limit of the lowest quintile;

278.22 (4) the housing vacancy rate is greater than the state average; or

278.23 (5) the percent of the population receiving Supplemental Nutrition Assistance Program (SNAP) benefits is greater than the state average.

278.24 Subd. 2. Grants. (a) The council shall make grants to cities for capital improvements in municipal wastewater collection systems to reduce the amount of inflow and infiltration to the council's metropolitan sanitary sewer disposal system.

278.25 (b) A grant under this section may be made in an amount up to 50 percent of the cost to mitigate inflow and infiltration in the publicly owned municipal wastewater collection system. The council may award a grant up to 100 percent of the cost to mitigate inflow and
infiltration in the publicly owned municipal wastewater collection system if the project meets affordability criteria.

Subd. 3. Eligibility. To be eligible for a grant under this section, a city must be identified by the council as a contributor of excessive inflow and infiltration in the metropolitan disposal system or have a measured flow rate within 20 percent of its allowable council-determined inflow and infiltration limits.

Subd. 4. Application. The council must award grants based on applications from cities that identify eligible capital costs and include a timeline for inflow and infiltration mitigation construction, pursuant to guidelines established by the council. The council must prioritize applications that meet affordability criteria.

Subd. 5.Cancellation. If a grant is awarded to a city and funds are not encumbered for the grant within four years after the award date, the grant must be canceled.

Sec. 12. [473.5492] COMMUNITY WASTEWATER COSTS; ANNUAL REPORT. By February 15 each year, the council must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over capital investment and environment and natural resources that provides a summary of the average monthly wastewater costs for communities in the metropolitan area for the previous calendar year.

(a) The Board of Regents of the University of Minnesota, through the University of Minnesota Water Council, is requested to develop a scope of work, timeline, and budget for a plan to promote and protect clean water in Minnesota for the next 50 years. The 50-year clean water plan must:

(1) provide a literature-based assessment of the current status and trends regarding the quality and quantity of all Minnesota waters, both surface and subsurface;
(2) identify gaps in the data or understanding and provide recommended action steps to address gaps;
(3) identify existing and potential future threats to Minnesota's waters; and
(4) propose a road map of scenarios and policy recommendations to allow the state to proactively protect, remediate, and conserve clean water for human use and biodiversity for the next 50 years;
(b) The scope of work must outline the steps and resources necessary to develop the plan, including but not limited to:

(a) The University of Minnesota Water Council is requested to develop a scope of work, timeline, and budget for a plan to promote and protect clean water in Minnesota for the next 50 years. The 50-year clean water plan must:

(1) provide a literature-based assessment of the current status and trends regarding the quality and quantity of all Minnesota waters, both surface and subsurface;
(2) identify gaps in the data or understanding and provide recommended action steps to address gaps;
(3) identify existing and potential future threats to Minnesota's waters; and
(4) propose a road map of scenarios and policy recommendations to allow the state to proactively protect, remediate, and conserve clean water for human use and biodiversity for the next 50 years;
(b) The scope of work must outline the steps and resources necessary to develop the plan, including but not limited to:
(1) the data sets that are required and how the University of Minnesota will obtain access;

(2) the suite of proposed analysis methods;

(3) the roles and responsibilities of project leaders, key personnel, and stakeholders;

(4) the project timeline with milestones; and

(5) a budget with expected costs for tasks and milestones.

(c) By December 1, 2023, the Board of Regents of the University of Minnesota is requested to submit the scope of work to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources.

ARTICLE 8

FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY recipieNts

Section 1. Financial review required; (a) Before awarding a competitive, legislatively named, single-source, or sole-source grant to a nonprofit organization under this act, the grantor must require the applicant to submit financial information sufficient for the grantor to document and assess the applicant's current financial standing and management; items of significant concern must be addressed with the applicant and resolved to the satisfaction of the grantor before a grant is awarded. The grantor must document the material requested and reviewed, whether the applicant had a significant operating deficit, a deficit in unrestricted net assets, or insufficient internal controls; whether and how the applicant resolved the grantor's concerns; and the grantor's final decision. This documentation must be maintained in the grantor's files.

(b) At a minimum, the grantor must require each applicant to provide the following information:

(1) the grantee's history of performing duties similar to those required by the grant, whether the size of the grant requires the grantee to perform services at a significantly increased scale, and whether the size of the grant will require significant changes to the operation of the grantee's organization;
the applicant's most recent Form 990, Form 990-EZ, or Form 990-N filed with the Internal Revenue Service. If the applicant has not been in existence long enough or is not required to file Form 990, Form 990-EZ, or Form 990-N, the applicant must demonstrate to the grantor that the applicant is exempt and must instead submit documentation of internal controls and the applicant's most recent financial statement prepared in accordance with generally accepted accounting principles and approved by the applicant's board of directors or trustees or, if there is no such board, by the applicant's managing group.

(2) evidence of registration and good standing with the secretary of state under Minnesota Statutes, chapter 317A, or other applicable law;

(3) unless exempt under Minnesota Statutes, section 309.515; evidence of registration and good standing with the attorney general under Minnesota Statutes, chapter 309; and

(4) if required under Minnesota Statutes, section 309.53, subdivision 3, the applicant's most recent audited financial statement prepared in accordance with generally accepted accounting principles.

(1) Subd. 2. Authority to postpone or forgo. Notwithstanding any contrary provision in this act, a grantor that identifies an area of significant concern regarding the financial standing or management of a legislatively named applicant may postpone or forgo awarding the grant.

(2) Subd. 3. Authority to award subject to additional assistance and oversight. A grantor that identifies an area of significant concern regarding an applicant's financial standing or management may award a grant to the applicant if the grantor provides or the grantee otherwise obtains additional technical assistance, as needed, and the grantor imposes additional requirements in the grant agreement. Additional requirements may include but

(2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ filed with the Internal Revenue Service in each of the prior three years. If the grantee has not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must instead submit the grantee's most recent board-reviewed financial statements and documentation of internal controls;

(3) for a for-profit business, three years of federal and state tax returns, current financial statements, certification that the business is not under bankruptcy proceedings, and disclosure of any liens on its assets. If a business has not been in business long enough to have three years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee has appropriate internal financial controls;

(4) evidence of registration and good standing with the secretary of state under Minnesota Statutes, chapter 317A, or other applicable law;

(5) if the grantee's total annual revenue exceeds $750,000, the grantee's most recent financial audit performed by an independent third party in accordance with generally accepted accounting principles; and

(6) certification, provided by the grantee, that none of its principals have been convicted of a financial crime.

(5) Subd. 5. Agency authority to not award grant. If an agency determines that there is an appreciable risk that a grantee receiving a competitive, single-source, or sole-source grant cannot or would not perform the required duties under the grant agreement, the agency must notify the grantee and the commissioner of administration and give the grantee an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's concerns within 45 days, the agency must not award the grant.

(6) Subd. 3. Additional measures for some grantees. The agency may require additional information and must provide enhanced oversight for grants that have not previously received state or federal grants for similar amounts or similar duties and so have not yet demonstrated the ability to perform the duties required under the grant on the scale required.
are not limited to enhanced monitoring, additional reporting, or other reasonable requirements imposed by the grantor to protect the interests of the state.

Subd. 4. Assistance from administration. An agency without adequate resources or experience to perform obligations under this section may contract with the commissioner of administration to perform the agency's duties under this section.

Subd. 5. Legislatively named grantees. If an agency determines that there is an appreciable risk that a grantee receiving a legislatively named grant cannot or would not perform the required duties under the grant agreement, the agency must notify the grantee, the commissioner of administration, the chair and ranking minority member of the Ways and Means Committee in the house of representatives, the chair and ranking minority member of the Finance Committee in the senate, and the chairs and ranking minority members of the committees in the house of representatives and the senate with primary jurisdiction over the bill in which the money for the grant was appropriated. The agency must give the grantee an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's concerns within 45 days, the agency must delay award of the grant until adjournment of the next regular or special legislative session.

Subd. 6. Subgrants. If a grantee will disburse the money received from the grant to other organizations to perform duties required under the grant agreement, the agency must be a party to agreements between the grantee and a subgrantee. Before entering agreements for subgrants, the agency must perform the financial review required under this section with respect to the subgrantees.

Subd. 7. Effect. The requirements of this section are in addition to other requirements imposed by law; the commissioner of administration under Minnesota Statutes, sections 16B.97 and 16B.98; or agency policy.

Subd. 8. Relation to other law and policy. The requirements in this section are in addition to any other requirements imposed by law; the commissioner of administration under Minnesota Statutes, sections 16B.97 and 16B.98; or agency policy.